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# ° FACTS I OUGHT TO KNOW

ABOUT THE

## GOVERNMENT OF MY COUNTRY

BY

WILLIAM H. BARTLETT

PRINCIPAL OF THE CHANDLER ST. SCHOOL, WORCESTER, MASS.  
COUNCILOR OF THE AMERICAN INSTITUTE OF CIVICS

---

*This government, the offspring of your own choice,  
..... adopted upon full investigation and mature  
deliberation, completely free in its principles, . . . and  
containing within itself a provision for its own  
amendment, has a just claim to your confidence and  
support* Washington's Farewell Address

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THIRD EDITION

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**Dedicated to**  
**YOUNG AMERICANS**  
**ON WHOSE**  
**LOVE AND LOYALTY**  
**DEPEND THE**  
**PRESERVATION AND STABILITY**  
**OF THE**  
**BEST GOVERNMENT ON EARTH**



## PREFACE.

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The general scope and purpose of this book are indicated by the title. The aim of the writer has been to prepare such a work as an American father might wish to place in the hands of his son, or an American teacher in the hands of his pupils, to serve as the basis of a complete knowledge of the facts and principles of the government of the United States.

The mission of this volume is to give in an economical and compact form, and in clear and concise language, the gist of the information contained in many larger works.

The contents include a review of the nature and origin of our government, the Declaration of Independence with an account of the steps which led thereto, an explanation of the most important portions of the Constitution, a summary of the rights and duties of citizenship, the text of the Constitution, a Glossary which defines such terms used in the Constitution as may not be readily understood, the history of the flag, valuable statistical tables, a series of "Search Light" questions calculated to arouse the interest of the reader and to stimulate him to research, and a list of works on government, suitable for perusal or reference.

It is hoped that this book will be a boon to students, a valuable aid to teachers, a desirable addition to home, school, and public libraries, a useful guide to the members of young people's societies now so extensively organizing for the study of government, a friend to the foreign born in our midst who have the American spirit and desire a knowledge of our form of government, and a convenient and practical handbook of reference for all inquirers concerning governmental topics. The book is committed to the kind consideration of all these classes, in the hope that it may be found worthy of their favor. W. H. B.



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Both the text of this book and the Constitution are here fully indexed. The numbers in the first column refer to sections of the text; those in the second column to clauses of the Constitution, which for convenient reference are numbered throughout consecutively. The letter G. following a title indicates that the subject is explained in the Glossary.

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# THE NATIONAL GOVERNMENT.

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## ITS NATURE AND ORIGIN.

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**1. Nation Defined.**—A nation is a people living in a country which they hold as their own, and united under a government which has control over that country and all its inhabitants.

**2. National Government.**—National government is the power or authority by which a nation is ruled.

**3. Purpose of Government.**—Civilized government is established for the protection, prosperity, and happiness of the people.

**4. Obligation of the Citizen.**—Each citizen must pay his share of the expenses of the government, and must give his personal service in its defence when necessary.

**5. Forms of National Government.**  
—1. A monarchy is a government by one person.

A monarchy in which the power of the ruler is restricted by a constitution is called a constitutional or limited monarchy. An absolute monarchy is one in which the power of the ruler is not so restricted.

2. An aristocracy is a government by a few persons who form a privileged class.

An aristocracy may be one of birth, wealth, or culture.

3. A democracy is a government by the people.

A pure democracy is one in which the people meet and make laws. A representative democracy is one in which the people elect representatives to make laws.

### **6. Government of the United States.**

—The government of the United States is a representative democracy, usually called a republic.

**7. Preservation of Republican Government.** — Republics are preserved only by the virtue, public spirit, and intelligence of the people.

**8. Origin of the Nation.**—The Nation was formed by the union, and separation from the mother-country, of the thirteen British colonies which existed here at the time of the Revolution.

A colony is a company of persons who have left their own country and have settled in another, but who still remain subject to the government of the country from which they came.

## 9. Original Colonies with Dates of Settlement.—

Virginia,	1607.
Massachusetts,	1620.
New Hampshire,	1623.
New York,	1623.
Connecticut,	1633.
Maryland,	1634.
Rhode Island,	1636.
Delaware,	1638.
North Carolina,	1663.
New Jersey,	1664.
South Carolina,	1670.
Pennsylvania,	1682.
Georgia,	1733.

**10. Colonial Governments.**—The special forms of government of the colonies before the Revolution were Provincial or Royal, Proprietary, and Charter.

1. The Provincial or Royal governments were under the direct control of the King, who appointed for each a governor, and a council which formed the upper house of the legislature. The people elected only the lower house, and therefore had little voice in the government. The

relation of these colonies to Great Britain was much like that of our territories to the Nation.

2. The Proprietary governments were under the direct control of proprietors, to whom the land, with the right to govern the settlers, had been granted by the King. The proprietors appointed governors, and, in some cases, convened legislatures. But the supreme authority of the mother-country was strictly maintained.

3. In the Charter governments much more power was given to the people. They were granted charters by the King which gave them power to elect their own officers and to make their own laws.

A charter is a grant made by a monarch to the whole or to a portion of his subjects, giving them certain rights and privileges.

Massachusetts after 1691 was under a modified charter which vested the appointment of governor in the King. In this respect it was like a Provincial government.

**11. Colonial Governments at the Commencement of the Revolution.** — Pennsylvania, Delaware, and Maryland were held by the heirs of the first proprietors, Connecticut and Rhode Island had kept their charters, Massachusetts had a modified charter, and the other colonies were royal provinces.

Connecticut and Rhode Island were so content with the provisions of their charters that they lived under them

until 1818 and 1842 respectively, in which years they formed State constitutions.

**12. First Union of Colonies.**—In 1643 Massachusetts, Plymouth, Connecticut, and New Haven united under the name of “The United Colonies of New England,” for mutual protection against the encroachments of the Dutch and French settlers and the hostility of the Indians. This union continued forty years.

In the earliest years of our history there were those who realized that in union alone there is strength, and at various times during the seventeenth century plans for a general government were proposed by William Penn and others. None of these projects, however, received the approval of the British government.

**13. Albany Convention.** — Delegates from all the colonies north of the Potomac met in convention at Albany, N. Y., in 1754, to consider measures of defence against the French and Indians. In this convention Benjamin Franklin, whose motto was “Unite or die!” proposed a plan for a general government of all the colonies, to consist of a president-general to be appointed by the King, and a council of delegates to be chosen by the colonies. Though adopted by the Convention, as neither the colonies nor the mother-country approved this plan, it did not go into operation.

**14. Stamp Act Congress.**—In 1765 a

congress of delegates from nine colonies met at New York and prepared a declaration of rights, and petitions to the King and Parliament praying that these rights might be respected. This was the first general meeting of the colonies for the purpose of considering their rights and privileges.

This Congress is called the "Stamp Act Congress," as the passage of that act by Parliament was the immediate cause of its assembling.

Parliament is the law-making body of Great Britain.

The Stamp Act required that stamps, bought of the British government, should be placed on all legal documents, newspapers, and pamphlets. The colonists, having no voice in Parliament, were indignant at this attempt at taxation without representation, and so loud was the outcry against it that Parliament soon repealed it, but still declared the right of Great Britain to tax the colonies, and passed other measures not less odious.

### **15. First Continental Congress. —**

This Congress, composed of delegates from all the colonies except Georgia, met at Philadelphia, September 5, 1774, and again asserted the rights claimed by the previous Congress and demanded the repeal of all laws by which those rights had been invaded.

These remonstrances were unheeded by Great Britain. "Repeated petitions" were "answered only by repeated injury," and the colonists deter-

mined to resist the execution of unjust and oppressive laws. There was no longer hope of reconciliation, and war and revolution became inevitable.

A revolution is a radical change in the government of a country. It involves the overthrow of an existing government and the establishment of one different in character.

### **16. Second Continental Congress.—**

This Congress assembled at Philadelphia, May 10, 1775, all the colonies being represented. This body provided for organizing the Revolutionary army, unanimously electing George Washington Commander-in-chief. After debating the question of separation from Great Britain with great energy, eloquence, and ability, on the fourth day of July, 1776, this Congress adopted the Declaration of Independence. Thenceforth the name "United Colonies" gave place to that of "The United States of America."

"The Declaration of Independence by the United Colonies," says Bancroft, "was prepared in the convictions of all the American people." They retained much of their old affection for England until the King's proclamation, August 23, 1775, declaring them rebels, showed that they could expect neither mercy nor justice from Great Britain. It then became evident that arms must decide the contest; and as the flames of war were kindling throughout the colonies, the fire of independence was kindled in the hearts of the people. The colonies became one in thought, spirit, and action, and demanded of Congress a declaration of independence.

Virginia, May 15, 1776, instructed her delegates in Congress to propose independence, and in obedience to that instruction Richard Henry Lee, June 7, 1776, introduced the following resolution:

*“Resolved, That these United Colonies are, and, of right ought to be, free and independent states; that they are absolved from all allegiance to the British crown; and that all political connection between them and the state of Great Britain is, and ought to be, totally dissolved.”*

The resolution was debated in committee of the whole from the 7th to the 10th, when further consideration was postponed to July 1st. The discussion was not concerning the principle of independence, on which all were agreed, but concerning the wisdom of issuing a declaration at that time.

On June 11th a committee consisting of Thomas Jefferson, John Adams, Benjamin Franklin, Roger Sherman, and Robert R. Livingston, was appointed to prepare a declaration in harmony with the resolution.

On June 28th this committee reported a draft of the declaration which was ordered to lie on the table. On July 1st Lee's resolution was again discussed, and on the following day, July 2d, was adopted by vote of twelve States, the delegates from New York refraining from voting pending the decision of the question by the people of that colony. On July 4th the declaration was adopted by the same vote.

*“On the same day it was duly authenticated by the President and Secretary, and published to the world. The nation when it made choice of its great anniversary selected not the day of the resolution of independence when it closed the past, but that of the declaration of the principles on which it opened its new career.”—Bancroft.*

The declaration, having been engrossed on parchment, was signed by fifty-four delegates August 2, 1776, and later by two others, fifty-six in all, representing all the colonies,



the convention of New York having approved the act July 9, 1776.

The Declaration of Independence was written by Thomas Jefferson, a few slight verbal alterations being made at the suggestion of Adams and Franklin. A few amendments to the original draft were made by Congress.

## DECLARATION OF INDEPENDENCE.

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IN CONGRESS, JULY 4, 1776.

The Unanimous Declaration of the Thirteen  
United States of America.

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When, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident:—that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate, that governments long established should not be changed for light and transient causes; and accordingly all experience

hath shown that mankind are more disposed to suffer while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies, and such is now the necessity which constrains them to alter their former systems of government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these States. To prove this, let facts be submitted to a candid world.

He has refused his assent to laws the most wholesome and necessary for the public good.

He has forbidden his Governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature, a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representative houses repeatedly, for opposing with manly firmness, his invasions on the rights of the people.

He has refused, for a long time after such dissolutions, to cause others to be elected; whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise; the State remaining, in the mean

time, exposed to all the dangers of invasion from without and convulsions within.

He has endeavored to prevent the population of these States; for that purpose obstructing the laws for naturalization of foreigners, refusing to pass others to encourage their migrations hither, and raising the conditions of new appropriations of lands.

He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers, to harass our people and eat out their substance.

He has kept among us, in times of peace, standing armies, without the consent of our legislatures.

He has affected to render the military independent of, and superior to, the civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his assent to their acts of pretended legislation:

For quartering large bodies of armed troops among us:

For protecting them, by a mock trial, from punishment for any murders which they should commit on the inhabitants of these States:

For cutting off our trade with all parts of the world:

For imposing taxes on us without our consent:

For depriving us, in many cases, of the benefits of trial by jury:

For transporting us beyond seas to be tried for pretended offences:

For abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging its boundaries so as to render

it at once an example and fit instrument for introducing the same absolute rule into these colonies :

For taking away our charters, abolishing our most valuable laws, and altering fundamentally the forms of our governments :

For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated government here, by declaring us out of his protection, and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is, at this time, transporting large armies of foreign mercenaries to complete the works of death, desolation, and tyranny, already begun with circumstances of cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow-citizens taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrections amongst us, and has endeavored to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.

In every stage of these oppressions we have petitioned for redress in the most humble terms: our repeated petitions have been answered only by repeated injury. A prince whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attentions to our British brethren. We have warned them, from time to time, of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the cir-

cumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity which denounces our separation, and hold them, as we hold the rest of mankind, enemies in war, in peace friends.

We, therefore, the Representatives of the United States of America, in General Congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name, and by authority of the good people of these colonies, solemnly publish and declare, that these United Colonies are, and of right ought to be, *free and independent States*; that they are absolved from all allegiance to the British crown, and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved; and that, as *free and independent States*, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which *independent States* may of right do. And for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor.

JOHN HANCOCK.

*New Hampshire.*

JOSIAH BARTLETT,  
WILLIAM WHIPPLE,  
MATTHEW THORNTON.

*Massachusetts.*

SAMUEL ADAMS,  
JOHN ADAMS,  
ROBERT TREAT PAINE,  
ELBRIDGE GERRY.

*Delaware.*

CÆSAR RODNEY,  
GEORGE READ,  
THOMAS M'KEAN.

*Maryland.*

SAMUEL CHASE,  
WILLIAM PACA,  
THOMAS STONE,  
CHARLES CARROLL of Car-  
rollton.

*Rhode Island.*

STEPHEN HOPKINS,  
WILLIAM ELLERY.

*Connecticut.*

ROGER SHERMAN,  
SAMUEL HUNTINGTON,  
WILLIAM WILLIAMS,  
OLIVER WOLCOTT.

*New York.*

WILLIAM FLOYD,  
PHILIP LIVINGSTON,  
FRANCIS LEWIS,  
LEWIS MORRIS.

*New Jersey.*

RICHARD STOCKTON,  
JOHN WITHERSPOON,  
FRANCIS HOPKINSON,  
JOHN HART,  
ABRAHAM CLARK.

*Pennsylvania.*

ROBERT MORRIS,  
BENJAMIN RUSH,  
BENJAMIN FRANKLIN,  
JOHN MORTON,  
GEORGE CLYMER,

JAMES SMITH,  
GEORGE TAYLOR,  
JAMES WILSON,  
GEORGE ROSS.

*Virginia.*

GEORGE WYTHE,  
RICHARD HENRY LEE,  
THOMAS JEFFERSON,  
BENJAMIN HARRISON,  
THOMAS NELSON, JR.,  
FRANCIS LIGHTFOOT LEE,  
CARTER BRAXTON.

*North Carolina.*

WILLIAM HOOPER,  
JOSEPH HEWES,  
JOHN PENN.

*South Carolina.*

EDWARD RUTLEDGE,  
THOMAS HEYWARD, JR.,  
THOMAS LYNCH, JR.,  
ARTHUR MIDDLETON.

*Georgia.*

BUTTON GWINNETT,  
LYMAN HALL,  
GEORGE WALTON.

Great Britain formally acknowledged the independence of the United States by a treaty signed at Paris, Sept. 3, 1783.

**17. Government during the Revolution.**—Each State had its own government. The only general government was that of the Second Continental Congress, which exercised supreme powers until 1781, when the Articles of Confederation were adopted.

**18. Articles of Confederation.**—These articles were an instrument which formed the basis of government for the United States from 1781 to 1789, and which aimed to unite the States in a firm league to secure their liberties and mutual welfare. These articles were wrong in theory and proved worthless in practice.

**19. Defects of the Articles of Confederation.**—No separate executive or judicial department was provided. Congress had little more than the power to recommend measures to the States. It could not lay taxes, regulate commerce, enforce the provisions of treaties, raise revenue, nor protect the States against rebellion. Congress had power “to declare everything but to do nothing.” Shays’s Rebellion in Massachusetts and the fear of similar outbreaks elsewhere, which the general government had no power to suppress, showed the weakness of the Confederation. Washington, Hamilton, and other leaders saw that “to form a new constitution which should give stability and dignity to the Union was the great problem of the times.”

**20. Constitution Defined.**—A constitution is an instrument or compact which prescribes the form of government for a country, declares the rights of the people who adopt it, and fixes

the powers and duties of the departments of the government.

Constitutions may be written or unwritten. England has an unwritten constitution, which consists of established customs, charters, and a multitude of laws and judicial decisions. Such constitutions are liable to changes by legislation establishing new principles of government, without the previous consent of the people. The wisdom of the founders of our government led them to form a written constitution, subject to change only by the deliberate action of the people.

### **21. Formation of the Constitution.—**

The Constitutional Convention, comprising delegates from all the States except Rhode Island, met at Philadelphia, May 14, 1787. Washington was chosen president. The Convention contained many men eminent for their ability and patriotism. The work before them was to form a complete system of republican government. The Convention held secret sessions for more than three months, discussing and settling the difficult questions that arose from the jealousies existing among the several States. On the seventeenth of September the Constitution was adopted by the Convention. Its ratification by nine States



was declared to be sufficient for its establishment. When the Constitution was submitted to the people for their approval before the assembling of State conventions to decide upon it, a great contest arose, which was carried on by two parties that were immediately formed,—the Federalist and Anti-Federalist. The former, desiring a strong national government, supported the Constitution, while the latter, favoring a confederate government which should allow the States to retain more power than the Constitution gave them, opposed it. The people finally accepted the Constitution as a bond of union. Its establishment was assured by its ratification by the ninth State, New Hampshire, June 21, 1788. Thus it was declared that the United States is a nation and not a confederacy.

The Constitution went into legal operation on the fourth of March, 1789. Delaware was the first State to ratify it, December 7, 1787, and Rhode Island the last, May 29, 1790.

**22. Summary.**—We have now seen that the idea of a union existed among the colonists from the earliest years of their history; that from time to time they entered into loosely governed leagues of friendship and confederacies for the general welfare; that experience showed

the weakness of such associations; and that the interest and safety of all at last impelled them to form a "more perfect union" under a constitutional government.

## GOVERNMENT UNDER THE CONSTITUTION.

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**23. Preamble.**—The first sentence of the Constitution, usually called the preamble, is an introduction or preface to the body of the instrument. It states the source of the authority and sets forth the purposes of the Constitution.

**24. Authority of the Constitution.**—The source of the authority of the Constitution is the people of the United States.

**25. Purposes of the Constitution.**—

1. To form a more perfect union.
2. To establish justice.
3. To insure domestic tranquillity.
4. To provide for the common defence.
5. To promote the general welfare.
6. To secure the blessings of liberty to the people of the United States and their posterity.

**26. Departments of the Government.**

—The legislative department, which makes the

laws, the executive department, which enforces the laws, and the judicial department, which interprets the laws.

Experience has shown this way of distributing the powers of government to be well adapted to secure public liberty and private rights.

## ARTICLE I.

### THE LEGISLATIVE DEPARTMENT.

#### SECTION I. CONGRESS.

**27. Legislative Powers.** — All legislative powers granted in the Constitution are vested in a Congress of the United States.

**28. Division.** — Congress consists of a Senate and House of Representatives.

#### **29. Reasons for Division.** —

1. That both the people and the States may be duly represented. The Senate represents the States, and the House of Representatives the people.

In the Constitutional Convention the small States threatened to oppose the whole plan of a new government, unless in one branch they might have equal votes with the large States.

2. That each House may be a check on the other to prevent hasty and ill-considered legislation.

With two Houses each is likely to act with care and deliberation with the knowledge that its measures are subject to approval, revision or rejection by the other.

The word *House* is frequently used to designate either of the legislative bodies.

## SECTION II. THE HOUSE OF REPRESENTATIVES.

**30. Election.**—Representatives are elected by the people of the several States.

**31. Representatives “at Large.”**—The division of States into Congressional districts, each of which elects one Representative, is made by the State legislatures. In some instances one or more Representatives in addition to those chosen by the districts have been elected “at large,” that is, by the people of the whole State. This has been done in States which have failed to rearrange their districts after a new apportionment has increased the number of Representatives to which they are entitled.

**32. Gerrymandering.**—It has been the general custom for the States to redistrict their populations soon after each new apportionment. It has sometimes happened that the political party in power in a State has divided the State into districts in such a way as to gain an unfair advantage over the opposite party by securing a larger representation than its voting strength entitled it to have. Thus in a State which had been divided in this unjust manner a district was known as the “Shoe string” district because of its grotesque and artificial shape. This practice is termed gerrymandering.

“The term ‘gerrymandering’ came into use in 1811, in Massachusetts. The State was districted anew in that year

in such a manner by the party in power that those sections which gave the opposite party a large number of votes were brought into one district. The counties of Essex and Worcester were divided without any apparent convenience or propriety. The work was sanctioned and became law by the signature of Elbridge Gerry who was then governor. Hence the name."—*Bartlett's Dictionary of Americanisms*.

**33. Term.**—The term of office of a Representative is two years.

It is a fundamental principle of republican government that representatives shall be directly responsible to the people whose servants they are. In order that the people may have due opportunities of showing their approval or disapproval of the conduct of their representatives, frequent elections are necessary.

**34. Salary.**—The salary of a Representative is \$5,000 a year and mileage.

Mileage is money allowed for travel at a certain rate per mile. Members of Congress are now allowed mileage at the rate of twenty cents a mile in going to and returning from the national capital.

Each member has an allowance of \$125 a year for stationery and newspapers.

**35. Qualifications for a Representative.**—

1. He must be not less than twenty-five years of age.

That he may have acquired the knowledge and

experience necessary for the proper exercise of so important a trust.

2. He must have been seven years a citizen of the United States.

That he may be familiar with our institutions and may have a patriotic pride in sustaining them.

3. He must, when elected, be an inhabitant of the State in which he shall be chosen.

That he may know the needs of his State.

It is not required that a Representative shall reside in the district in which he shall be chosen.

**36. Apportionment.** — Representatives and direct taxes are apportioned among the States according to their respective numbers, that is, in proportion to the population.

Direct taxes are taxes laid directly on the person or property, as a poll tax, or a tax on land. They are so called to distinguish them from *indirect* taxes, as those levied on imported goods and on the productions of a country. Direct taxes are not regarded with favor by the people and are seldom levied. A direct tax was laid but four times by our government before the Civil War. To meet the expense of the struggle for the Union, it was thought necessary to resort to direct taxation in 1861. The tax of that year was afterwards refunded to the States that had paid it.

**37. Taxation and Representation. —**

The rallying cry of the people during the Revolution was, "Taxation without representation is tyranny." The colonists had been taxed without their consent and this was one of the principal causes which impelled them to a change of government. Remembering the experience of the people under an unjust system of taxation, the framers of the Constitution, by placing taxation and representation on the same basis as regards apportionment, designed to establish equality of taxation and representation as a principle of our government.

This section was adopted only after a long and violent discussion. The States which had no slaves desired that slaves should not be numbered in the representative population. The slave States wished all slaves to be counted. The matter was finally adjusted by a compromise which allowed three-fifths of the slave population to be so counted. The abolition of slavery having rendered this provision obsolete, it is of interest only as a matter of history.

**38. Ratio of Representation. —** The present ratio is one Representative for every 173,901 inhabitants.

This does not mean that every Congressional

district must have at least 173,901 inhabitants. The population of the Third Mass. Cong. district is 171,484, and but four districts in the State have populations equal to the basis. But the population of the whole State entitles it to 13 Representatives. The districts are arranged by the legislature with a view to distributing the population among the districts as nearly equally as the population of cities and towns will allow. It is not desirable to divide a town so that a part shall be in one district and the remainder in another.

The last apportionment was made as follows: The number of Representatives by the apportionment of 1880 was 339. It was thought best not to diminish the number of Representatives from any State, and the Committee on the Census, having charge of the apportionment, found 356 to be the only number between 339 and 375 by which the population could be divided and a basis obtained by the use of which the number of Representatives from any State would not be diminished. It was therefore decided that the whole number of Representatives under the new apportionment should be 356. The population of the States by the census of 1890 was 61,908,906. This divided by 356 gave as the basis of



representation 173,901. The population of Massachusetts divided by the basis gave 12, with a resulting fraction of 152,131. The populations of the other States were divided in like manner and the quotients, without regard to fractions, added, gave 339. The 17 Representatives needed to make the requisite number 356, were apportioned among the 17 States having the largest resulting fractions. Massachusetts being one of these is entitled to 13 Representatives.

**39. Each State Entitled to Representation.**—A State with a number of inhabitants less than the basis cannot be excluded from representation in the House. Each State, however small its population, shall have at least one Representative.

**40. Ratio, How Changed.**—Congress, from time to time, fixes the ratio, generally immediately after the taking of the census.

The census is the process of counting or numbering the population. It is taken every ten years. The first census was taken in 1790; the last in 1890. 1900

**41. Territorial Representation.**—Each organized Territory is allowed by Act of Congress to send one delegate to the House of Representatives, who has the right of debating but not of voting.

A Territory is a portion of the country subject to the United States but not within the limits of any State. An organized Territory is one in which a Territorial government has been established by Congress.

**42. First Congress under the Constitution.—**

“The House of Representatives formed a quorum on the first of April, 1789. The Senate chose its President on the sixth.”—*Bancroft*.

A quorum is a number sufficient to transact business legally.

There were sixty-five Representatives in the first Congress. In the fifty-fifth Congress (1897–8) there are three hundred and fifty-seven.

**43. Vacancies.**—When a vacancy happens in the representation from any State, the executive authority thereof appoints a special election when the people elect a Representative to serve during the unexpired part of the term.

By executive authority is meant the governor, or the person performing the duties of that officer.

**44. Power to fill Vacancy.**—The power to fill the vacancy by appointment is not given to the governor, because the Constitution provides that Representatives shall be elected by the people. “Only the power that originally elects can legally fill a vacancy.”

**45. Speaker.**—The presiding officer of the House of Representatives is called the Speaker.

He is chosen by the House. As he is a regularly elected member, he has the right to speak and vote on all questions. In addition to the duty of presiding, the Speaker is intrusted with the important power of appointing all committees. As a very large part of the business of the House is done through committees, this power of appointment makes the position of Speaker one of great influence in shaping the public policy. No officer, except the President, has so much power as the Speaker. His salary is \$8,000 a year and mileage.

The title of Speaker is copied from that of the presiding officer of the House of Commons of the British Parliament. The Speaker speaks for the House on occasions of ceremony, as the Speaker of the House of Commons formerly spoke in answer to the King when he addressed that body.

**46. Sole Power.**—To the House of Representatives belongs the sole power of impeachment.

An impeachment is a formal written accusation against a civil officer, charging him with misconduct in the discharge of his official duties.

A civil officer is one not connected with the military or naval service. Officers of the army and navy are tried by courts-martial or military courts.

## SECTION III. THE SENATE.

**47. Senate.**—The Senate is composed of two Senators from each State.

**48. Election.**—Senators are chosen by the State Legislatures.

**49. Term.**—The term of office of a Senator is six years.

The reasons for making the term of a Senator longer than that of a Representative are :

1. To obtain a body of wiser and more experienced men than the House is likely to contain. It was thought that the term being longer, more care would be taken in the selection of Senators.

2. To prevent such changes, at brief periods, in the membership of both Houses, as would tend to derange the public business and to cause too frequent changes in the laws.

3. As Representatives are so immediately responsible to the people, it is well that Senators should be made more independent in their action by the assurance of a longer term of service.

**50. Salary.**—The salary of a Senator is ~~\$5,000~~ a year and mileage.

**51. Classification.**—The Senators were at first divided into three classes: the first class to retire at the end of the second year; the second

class at the end of the fourth year; and the third class at the end of the sixth year.

Thus, while the House must be reorganized every second year, the Senate is a permanent body, since but one-third of its members retire at one time. By this arrangement, while new members are frequently entering, there always remains a large proportion of experienced Senators who are familiar with the public business.

**52. Vacancies.**—If vacancies happen in the Senate during the recess of the legislature of any State, the executive authority thereof may make temporary appointments to continue until the next session of the legislature, which shall then fill such vacancies.

The recess is the time between the end of one session and the commencement of the next.

**53. Qualifications for a Senator.**—

1. He must be not less than thirty years of age.

The age requirement is greater than that for a Representative because of the greater dignity and importance of the position; the duties of a Senator being more varied and his powers greater than those of a Representative.

2. He must have been nine years a citizen of the United States.

Foreign-born persons are eligible to the Senate,

but as they must have been in the country five years before they can become citizens, fourteen years must elapse before they can be elected Senators. As the Senate acts with the President in making treaties, it is important that Senators, if adopted citizens, should have been in the country long enough to become alienated from their native countries to such a degree that they will not wish to favor them unduly in the formation of treaties.

3. He must, when elected, be an inhabitant of the State for which he shall be chosen.

The propriety of this is evident. A resident will understand the local interests and needs and be more closely in touch with the people of the State than a non-resident.

**54. Number.** — There are ninety Senators in the fifty-fifth Congress (1897-8).

**55. President of the Senate.** — The Vice-President of the United States presides in the Senate.

The office of Vice-President was created that there might be an officer to succeed to the Presidency in case of a vacancy in that office. If the Vice-President did not preside in the Senate he would have no duties to perform. As President of the Senate he holds a position of dignity and

importance, and one which gives him an opportunity to gain a knowledge of the public business that would be of advantage to him should he be called to act as President. Moreover, it was thought that the Vice-President, representing the Nation and not a State, would discharge the duties of presiding officer more impartially than a Senator.

As the Vice-President is not a member of the Senate he has not the right of debating and he can vote only in case of a tie, that is, when the Senators are equally divided. Such a vote is termed the "casting vote."

**56. President Pro Tempore.**—Early in each session the Senate elects a President *pro tempore* (for the time being), who presides whenever the Vice-President is absent.

When there is no Vice-President the President *pro tempore* receives the salary of the Vice-President.

**57. Casting Vote.**—Neither the President *pro tempore* nor the Speaker has a casting vote. Each has only his vote as a member of the body to which he belongs. In case of a tie the motion is lost, as a majority is needed to carry a vote, and a tie constitutes one less than a majority.

**58. Committees.**—The Senate elects its committees.

Much of the preliminary work of legislation is done by committees. Each House has about fifty standing, besides special committees appointed for temporary purposes. Subjects, brought before Congress, on which legislation is proposed, are referred to appropriate committees for investigation and report. The committees are named from the subjects under their jurisdiction. Some of the most important committees are those on Ways and Means, Foreign Relations, Finance, Appropriations, Commerce, Judiciary, and Claims.

Sometimes a legislative body resolves itself into a Committee of the Whole, which has, of course, the same membership as the body, and the same organization except the presiding officer, who is called the chairman and is appointed by the regular presiding officer of the House. The advantage of such a committee is that, many of the rules of the House being dispensed with, a measure may be discussed with more freedom and amended more readily than in regular session. The Committee of the Whole reports to the House in the same manner as other committees. The House may then adopt or reject the report.

**59. Sole Power.**—The Senate has the sole power to try all cases of impeachment. The House of Representatives brings the accusation; the Senate tries the case. The House may be likened to a grand jury, which brings the indictment, and the Senate to a court which tries the accused and passes judgment upon him. When the Senate is sitting as a court of impeachment the Senators must be on oath or affirmation.

An oath is a solemn promise or declaration, with an appeal to God to witness the good faith of the promise or the truth of the declaration. Such a promise or declara-



tion, without the appeal to God, is an affirmation, and is allowed to be made by those who have conscientious objections to taking an oath. Both are equally binding in law. The breaking of either is called perjury, and makes the offender liable to the penalties prescribed by law for that offence. The oath referred to in this clause is a promise to try the case according to the Constitution and laws of the United States.

**60. Chief Justice as Presiding Officer.**

—The Chief Justice presides in the Senate when the President of the United States is on trial. The Vice-President is not allowed to preside at that time because he might be tempted to favor the conviction of the President in order to succeed him in office.

**61. Conviction.**—The concurrence of two-thirds of the members present is necessary to the conviction of an officer who is impeached.

**62. Judgment.**—In cases of impeachment, judgment shall not extend further than to removal from office and disqualification for holding any office of honor, trust, or profit under the United States.

The offender is further liable to prosecution in the courts and to punishment for his acts so far as they are offences against the laws.

**63. Power of Impeachment.**—This is one of the most important powers granted by the Constitution, as it is the only mode in which the

Judiciary is made responsible, and also acts as a check on the Executive.

**64. Most Noted Case of Impeachment in our History.**—Feb. 25, 1868, the House of Representatives impeached Andrew Johnson, President of the United States. The principal charge against him was the violation of a recent Act of Congress known as the Tenure of Office Act, in that he had removed Edwin M. Stanton from his position as Secretary of War without the consent of the Senate.

The trial began March 5, Chief Justice Chase presiding, and ended May 26, when the President was acquitted. Thirty-five Senators voted "guilty," and nineteen "not guilty." This was one less than the two-thirds vote required for conviction.

#### SECTION IV. BOTH HOUSES.

**65. "A Congress."**—By this term is meant the whole body of Senators and Representatives holding office for two years from March 4 of every odd year.

These two years constitute a Representative term of office.

**66. Congressional Elections.**—The State Legislatures have power to regulate Congressional elections, but Congress may, at any

time, by law, make or alter such regulations, except as to the places of choosing Senators.

“The propriety of this clause rests on the proposition that every government ought to contain in itself the means of its own preservation.”

—*Alexander Hamilton.*

Should the States refuse to make such regulations, the operations of the general government would be suspended, if this power were not given to Congress.

**67. Exception as to Places.**—The purpose of this restriction is that Congress shall not have the arbitrary power of dictating to State legislatures where they should meet. The legislatures should decide this with reference to their own convenience.

**68. Assembling of Congress.**—Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December unless Congress shall, by law, appoint a different day.

**69. Sessions.**—Each Congress holds two regular sessions. The first is often called the “long session”; the other, the “short session.”

Each Congress ends at noon, March 4, at the end of the second regular session.

## SECTION V. POWERS OF EACH HOUSE.

**70. Membership.**—Each House shall be the judge of the elections, returns, and qualifications of its members.

When two persons claim the same seat in either House, that House has the power to decide which was legally elected and is therefore entitled to the seat. Until a decision is reached, the seat is said to be contested.

Each House may decide whether any person elected to membership therein has the qualifications for membership prescribed by the Constitution.

Returns are the formal official accounts by election officers of the votes cast at elections.

**71. Quorum.**—A majority constitutes a quorum in each House.

A majority is more than half. Less than half is a minority.

There has been much controversy as to whether in order to constitute a quorum a majority must be present and voting, or simply *present*, when business is transacted. The practice in the past has not been uniform. At times, a present quorum has been regarded as sufficient; at others, a voting quorum has been required. Under the latter rule the way is open for the minority party to “filibuster,” by refusing to vote, when the majority party has not a sufficient number present to constitute a voting quorum. In this way the public business has been greatly delayed.

Another question that has caused much discussion is, who shall determine the presence of a quorum. In practice a quorum is ordinarily presumed to be present, and legisla-

tive business proceeds, however few members take part, by consent of those who are silent. If at any time a member suggests that there is no quorum, that point must be decided before final action is taken on any question. It has not been definitely decided that a quorum is necessary during debate.

The Constitution provides no method of ascertaining the presence of a quorum. To allow the presiding officer to determine the question seems to be placing a dangerous power in the hands of one man.

These difficulties have been met in the House of Representatives by the adoption of a rule (April 18, 1894,) which recognizes the principle of a present quorum as correct, and prescribes a method of counting a quorum which seems safe and fair. The rule provides that upon each roll-call the Speaker shall appoint two tellers, one from each side of the pending question, whose duty it shall be to note the presence of members who do not vote or do not answer "present"; and that in determining whether a quorum is present the Speaker shall take into consideration the names of those who have voted yea and nay, the names of those who have responded "present," and, if necessary, the names of others who have been noted by the tellers but have not responded at all.

**72. Adjournment.**—A number less than a quorum may adjourn from day to day, and may compel the attendance of absent members.

This provision is designed to prevent factious members from obstructing the public business by absenting themselves from their places without good reasons.

**73. Pairing.**—Sometimes a member who is obliged to be absent when the passage of an important measure is pending, in order that his party may not lose his vote,

*pairs* with some member of the opposite party who is to be present when the vote is taken. As the absent member cannot vote, the member with whom he is *paired* is allowed to decline to vote. The result is the same as though both were present and voting on opposite sides.

**74. Removal from Office.**—Each House, with the concurrence of two-thirds, may expel a member.

**75. Journal.**—Each House shall keep a journal of its proceedings and, from time to time, publish the same except such parts as may, in their judgment, require secrecy.

The journal is a written record of the proceedings.

**76. Yeas and Nays.**—These shall be entered on the journal when the final vote is taken on the reconsideration of bills vetoed by the President, and on any question at the desire of one-fifth of the members present.

The yeas and nays are the votes for and against a measure.

The object of this provision is that, by the publicity thus given, members may be held immediately responsible to the people for their votes on important questions.

The yeas and nays are taken by calling the roll of members, each, in turn, announcing his vote, which is then recorded.

**77. Filibustering.**—At times, a minority, bent on defeating a pending measure, have consumed the time during which it could be considered by making many and frequently trivial motions and insisting on the calling of the

roll on each motion. The motion to adjourn, which, being a highly privileged motion, can be renewed frequently, is often made to serve this purpose. Sometimes this practice has been kept up for several days and nights. This and other artful methods of delaying legislation have been termed "filibustering." As the original meaning of "filibustering" is an irregular and irresponsible mode of carrying on war, it is appropriately applied to such methods of parliamentary warfare.

### **78. Restrictions on Adjournment. —**

Neither House shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which both are sitting.

This is to prevent either House from long interrupting the course of legislation as, in case of a conflict between the two Houses, might otherwise happen. An adjournment for three days is permitted to allow for Sundays and holidays.

## **SECTION VI. PRIVILEGES OF MEMBERS.**

**79. Compensation. —**Members of Congress are paid for their services by the general government out of the treasury of the United States.

**80. Personal Privileges.—1.** Members are privileged from arrest in all cases except treason, felony, and breach of the peace, during the sessions of Congress and while going to and returning from the same.

Freedom of members from arrest secures to their constituents their rightful representation in Congress. The public interests should not suffer because one man has committed some minor offence.

An arrest is the seizure and detention of a person by a public officer duly authorized to perform that act.

2. For any speech or debate in Congress a member shall not be questioned in any other place.

That is, *legally* questioned. This preserves members from suits for slander on account of words spoken in their places in Congress, and secures to them the utmost freedom in the discussion of public questions. This privilege does not give a member of Congress the right to publish a speech in which he defames the character of others. In such case he is as liable to the penalties provided by law as any other man.

For the definition of treason see Constitution, 71.

Felony is any crime punishable by death, or imprisonment in a State prison.

Breach of the peace is disorderly conduct or disturbing the peace. It has been held to mean, as used here, any indictable offence.

**81. Members of Congress and United States Offices.**—No person holding any office under the United States shall be a member of either House during his continuance in office.



A member of Congress is not an officer of the United States, but a representative of a State or of the people. It would not be proper for him to hold office under the United States, as matters relating to that office might become the subjects of legislation, and he ought not to be allowed to vote on any matter in which he is directly interested as an individual.

## SECTION VII. HOW THE LAWS ARE MADE.

**82. Bill Defined.**—A bill is a proposed law drawn up in proper form.

When a bill becomes a law it is called an Act or Statute, from the Latin, *Statuo*, to fix or establish.

**83. Revenue.**—All bills for raising revenue shall originate in the House of Representatives.

Revenue is the income of a nation or the money received into its treasury for public use. The word has a restricted meaning here, applying only to money raised by taxation and not from other sources, as the sale of public lands, etc. Bills relating to other subjects may originate in either House. The reason for the exception as to revenue is that since the people by the payment of taxes furnish the greater part of the revenue, they should have the power, through

their direct representatives, of deciding how much money should be raised by taxation, and in what manner. This provision would operate as a check on the President or the Senate, or both, should they desire to carry out any expensive policy which the people did not approve. The people, through the House of Representatives, would refuse to raise the necessary revenue.

#### **84. How a Bill may become a Law.**

—1. The bill must pass both Houses by a majority vote in each, and then must be sent to the President for his signature. If he approves the bill he signs it and it becomes a law.

2. If the President vetoes a bill (that is, refuses to sign it,) he returns it, with his objections, to the House in which it originated. If, after reconsideration, two-thirds of each House approve the bill, it becomes a law without the President's signature. In such case the bill is said to be passed over the President's veto.

3. If a bill is sent to the President for his signature, and he does not return it within ten days (Sundays excepted) after it has been presented to him, it becomes a law in like manner as if he had signed it, unless Congress, by their adjournment, prevent its return, in which case it shall not become a law.

The word "veto" means "I forbid." The power by which the President forbids a bill to become a law by refusing to sign it, is called the "veto power."

During the last ten days of each session of Congress many bills are passed. Such of these as do not meet the approval of the President he has only to retain in his possession (keep in his pocket, so to speak,) until the adjournment of Congress, when, of course, they fail to become laws. This method of preventing Congressional action is termed "pocketing" the bill or the "pocket veto." This applies especially to bills passed during the last ten days of the short session, the date of adjournment of which is definitely fixed.

**85. Purpose of the Veto Power.**—It serves as an additional check to hasty and crude legislation, and as a weapon with which to defend the Executive Department.

**86. Orders, etc.**—All orders, resolutions, and votes of Congress, except on a question of adjournment, shall be presented to the President for his approval or disapproval.

This is designed as a guard to the Executive power. It prevents Congress from passing under the guise of an order, resolution, or vote, a measure which might have the same effect as a bill vetoed by the President would have had if it had become a law.

Orders, resolutions, and votes are expressions of the opinion or will of a legislative body in a less formal and extended manner than by the passage of bills.

Resolutions are joint or concurrent. A joint resolution

is one adopted by both Houses and is intended to have the force of law. A concurrent resolution is one adopted by both Houses, but which does not have the force of law. Unlike a joint resolution it is not subject to the approval of the President.

### SECTION VIII. POWERS OF CONGRESS.

The most important powers in this, and the two succeeding sections, are considered.

**87. Power of Taxation.**—Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare of the United States.

Taxes are sums of money exacted of the people by the government for public uses. Duties are taxes on goods imported or exported. Imposts are taxes on imported goods. Duties, imposts, and customs, as now generally used, are synonymous terms, having reference to taxes on imported goods only. Excises are taxes on goods produced in the country, as the taxes on liquors and tobacco, known as internal revenue taxes. These words are all used here to dispel every doubt as to the unlimited power of Congress to levy taxes of all kinds.

It will be observed that Congress can exercise this important power only for the benefit of the whole country. The term, "the general welfare," has received a very broad interpretation.

**88. To Borrow Money on the Credit of the United States.**—

No power but Congress can lawfully create a public debt. It is sometimes necessary, especi-

ally in a great crisis like the Civil War, for the government to borrow money to meet its expenses, looking to the future for the gradual payment of the debt.

Without this power the government would have been helpless when the life of the nation was at stake, for the ordinary revenue would not have gone far towards paying the expenses incurred in its defence. The government borrowed so freely during the war that at its close the nation was in debt to the amount of nearly \$2,800,000,000.

The prosperity of the country and the successful management of its financial affairs have enabled the government to pay the debt so rapidly that it has been reduced about one-half.

**89. To Regulate Commerce.**—If this power had been given to the States there could have been no enduring Union, for doubtless each State would have made laws favoring its own commerce at the expense of other States. Thus local jealousies and rivalries would have been created, which would have strained and weakened and at length broken the bonds of union. The lack of this power in the general government, under the Confederation, was one of its chief defects, and, as a consequence, the

commerce of the country was nearly destroyed because of the conflicting laws of the States.

In the exercise of this power Congress, in 1887, passed the Inter-State Commerce Act, creating a Commission, one of whose principal duties is to regulate the charges made by railroads which pass through more than one State, the object being to secure fair and uniform rates for freight and passengers.

In the regulation of foreign commerce Congress has, from time to time, enacted tariff laws, laying duties on imported goods for the purpose of raising revenue for the support of the government, and of protecting home productions from competition with foreign goods of the same kind.

A tariff is a list of dutiable goods with the amount of duty to be paid on each.

**90. To Establish a Uniform Rule of Naturalization.**—Naturalization is the process by which a person born in a foreign country becomes a citizen of the United States. The rule must be uniform throughout the country; otherwise a person removing from one State to another might lose his rights of citizenship and be obliged to wait some time before he could recover them under a different system of laws. Thus great confusion and inconvenience would be caused.

**91. Process of Naturalization. — 1.**

The foreigner declares on oath before a United States, State, or Territorial Court his intention to become a citizen of the United States. He then receives his "first papers," that is, a certificate from the clerk of the court.

2. Two years, at least, having elapsed, the foreigner takes the oath of allegiance in open court, when he must prove by two witnesses that he has resided continuously in the United States five years, and in the State where the court is held one year, that he has borne a good moral character and has been well disposed toward the government. He then receives his "second papers" and is entitled to full citizenship.

The naturalization of a foreigner naturalizes his children under twenty-one years of age.

Men of foreign birth, who have been honorably discharged from the United States army, may become citizens, after one year's residence, simply, by taking the oath of allegiance. In taking this oath the foreigner renounces allegiance to every foreign government and solemnly promises to support the Constitution of the United States.

If the foreigner has borne any title of nobility he must renounce the same at the time of his application for citizenship.

**92. To Coin Money and Regulate the Value thereof.**—The object of this power is to secure uniformity in the value of money throughout the Union, and to protect the people from the evils of a currency subject to frequent changes in value.

The money of the United States is coined in the government mints at Philadelphia, San Francisco, and other places.

**93. To Establish Post-Offices and Post-Roads.**—

Post-roads are roads that may be used as mail routes. The government now generally uses for this purpose roads constructed by others. Early in the century the government built a post-road, known as the Cumberland, and sometimes as the National, road, from the Potomac river to the Ohio. The Pacific railroads, which the government, by grants of land and issues of bonds, helped to build, are post and military roads.

**94. To Grant Copyrights and Patents.**—

A copyright is an exclusive right granted to an author or publisher to print and sell a book, map, engraving, or other literary or artistic work within the limits of the country. A copyright is granted for twenty-eight years, and at the end of that time may be renewed for fourteen years.

A patent is an exclusive right granted to an inventor to make and sell a new invention, as a machine, a composition of matter, a design, or



a trade-mark. Patents of the first two classes are granted for seventeen years, without renewal except by Act of Congress.

Patents for designs, as ornaments, patterns, and pictures, to be placed on or worked into manufactured articles, or any new shape of such articles, are granted for three and one-half, seven, or fourteen years, at the option of the applicant.

Patents for trade-marks, such as are placed by manufacturers on their productions to distinguish them from those made by other persons, are granted for thirty years, with the privilege of renewal for thirty additional years.

The exercise of this important power by Congress has made the American people first among the nations of the world in the number, variety, and ingenuity of inventions.

**95. To Declare War.**—This important power, which in many monarchical countries is intrusted to the ruler, is here exercised by the representatives of all the people and of all the States, since all must share the burdens of war.

**96. To Support Armies and a Navy.**  
—This power is carefully guarded by the provision which prevents Congress from making appropriations for the army and navy for a

longer term than two years. Thus the people, by controlling the public purse, keep control of the army and navy. Standing armies are regarded as a menace to the liberties of the people.

**97. To Exercise Exclusive Legislation** over the district in which the capital is located, and all places purchased by the government for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings.

A magazine is a strong building for storing explosive materials.

An arsenal is a building for the manufacture and storage of arms and military stores.

A dock-yard is a navy-yard containing naval stores and materials for building ships of war, and dry-docks for vessels during repairs.

**98. General Power.** — Congress may make all necessary and proper laws for carrying into execution all powers vested by the Constitution in the government of the United States.

It is the opinion of writers on the Constitution that Congress would have had this general power if this provision had not been placed in the Constitution, on the ground that a grant of powers carries with it all needed authority for exercising the powers granted. To place the question beyond doubt or cavil this provision was inserted.

## SECTION IX. POWERS DENIED TO THE UNITED STATES.

**99. Habeas Corpus.** — The privilege of the writ of *habeas corpus* shall not be suspended unless when in cases of rebellion or invasion the public safety may require it.

A writ is a written order from a court or magistrate to a public officer commanding him to perform some specified act.

*Habeas corpus* is from the Latin language and means "You may have the body." The privilege of this writ is justly regarded as one of the great safeguards of individual liberty. A person arrested and held in confinement on any charge may apply, himself, or through any friend, to the judge of a court for the granting of this writ, which commands those having him in charge to bring him before the judge, who, on hearing the evidence, decides whether or not the prisoner is lawfully deprived of his liberty. The privilege of *habeas corpus* was never suspended in this country until the Civil War made its suspension necessary in some instances.

This great safeguard of personal liberty is so highly regarded, that some States have placed in their constitutions a provision that the privilege of *habeas corpus* shall *never* be suspended by the State authorities.

**100. Attainder.**—Congress may not pass a bill of attainder or an *ex post facto* law.

A bill of attainder is a legislative measure inflicting punishment, generally death, for treason or other crime, without a trial in court.

An *ex post facto* law is a law which makes an act punishable that was not punishable when committed, or which makes an act punishable in a manner in which it was not punishable when committed.

**101. Export Duties.**—Congress may not lay a tax or duty on articles exported from any State.

Such duties could not be distributed equally among the States because they do not all export the same articles, the exports of some being mainly agricultural products, of others manufactured goods, or the productions of mines. Duties on exports would therefore bear heavily on some and lightly on others. To prevent this inequality, the power to lay such duties is denied to Congress.

**102. Expenditures.**—No money shall be drawn from the treasury except on appropriations made by law.

This is an additional guard against the expenditure of the money of the people without their consent legally expressed through their Representatives.

**103. Titles.**—The United States may not grant any title of nobility.

This clause forbids all distinctions of rank, thus reaffirming the great principle of equality announced in the Declaration of Independence. The corner-stone of the republic is equality of rights, privileges, and rank among all citizens.

A title of nobility is a name of honor, dignity, or rank, as duke, marquis, count, etc., conferred by a government on a subject, and which generally may be transmitted by him to his descendants.

#### SECTION X. POWERS DENIED TO THE STATES.

**104. Treaties, etc.**—No State shall enter into any treaty, alliance, or confederation.

These are sovereign powers belonging only to the Nation. If given to the States the certain result would be confusion and discord.

A treaty, in its true sense, is an agreement between nations.

An alliance is a union or joining of interests.

A confederation is a league for mutual aid and protection.

**105. Coinage.**—No State shall coin money.

**106. Bills of Credit.**—No State shall emit bills of credit.

These two provisions are necessary in order to prevent the evils of an irredeemable paper currency, and to secure to the people the well known advantages of a currency of equal value everywhere in the country.

Bills of credit, often called paper money, are written or printed promises to pay money, issued by a government on its credit and designed to circulate as money.

**107. Legal Tender.** — No State shall make anything but gold and silver coin a legal tender.

A legal tender is anything that the law declares shall be accepted in payment of debts, when tendered. Nothing that is subject to frequent changes in value should be made a legal tender. Gold and silver are regarded as less liable to such changes than other substances. Before the adoption of the Constitution some of the States declared their "paper money," which they could not pay in coin as promised, a legal tender. Thus great loss was caused to creditors, who were obliged to accept in payment of debts that which had little or no value in place of gold or silver. It was the memory of that experience, so disastrous to commerce and morals, which led to the adoption of this provision.

**108. Contracts.** — No State shall pass any law impairing the obligation of contracts.

A contract is an agreement to do or not to do a particular thing.

This provision rests on much the same principle as the prohibition of an *ex post facto* law. If men could be released from their obligations

by law no one could rest secure in the possession of property, and no confidence, such as is necessary in business transactions, could exist. This clause was intended to prevent a recurrence of the evils which arose from State interference with contracts under the Confederation.

**109. War Power.**—No State shall engage in war unless invaded or in imminent danger.

The States have only the right of self-defence. All other powers of war are reserved to the general government.

## ARTICLE II.

### THE EXECUTIVE DEPARTMENT.

#### SECTION I. PRESIDENT AND VICE-PRESIDENT.

**110. Executive Power.**—The executive power is vested in a President of the United States.

Efficient executive action requires the strength of will and energy of purpose of one able man. If the executive power were distributed among several persons, the dissensions that would arise would tend to cause a feeble execution of the laws.

**111. Term.**—The term of office of the President is four years.

This period being midway between the term of a Representative and that of a Senator was thought by the framers of the Constitution to be long enough to enable the President to carry fairly through a system of administration according to the laws, and to give the people an opportunity to form an estimate of the merits of whatever policy he might pursue; and so short that he would not lose that sense of responsibility to the people so essential to the proper conduct of public affairs.

A President may be reëlected as many times as the people see fit thus to honor him. No President, however, has served more than two terms. Washington declined to serve a third term, thus setting an example for his successors. Though one President desired a third term, the great party which had twice elected him refused to grant him a third nomination, notwithstanding his eminent services to the country. It may now be regarded as the settled custom of the country to reëlect a President but once.

**112. Salary.**—The salary of the President is \$50,000 a year and the use of the executive mansion (the White House).

This is a moderate salary for the highest officer of the foremost nation of the world.



Great Britain pays for the maintenance of the royal family nearly \$3,000,000 a year.

**113. Presidential Electors.**—The President and Vice-President are elected by electors appointed by the States, in such manner as the legislatures thereof may direct.

The electors are now chosen in all the States by vote of the people.

This provision has not operated as intended by the framers of the Constitution. They thought that the duty of selecting the first two officers of the government should be intrusted to a select body of wise and patriotic men, who should be entirely free to weigh the merits and qualifications of candidates and to make such choice as, in their judgment, would be best for the country. The practice of political parties has defeated this intention. Now each party nominates electors who are practically pledged to vote, if elected, for the candidates of their party. They have no freedom of choice. They simply register the will of the people.

**114. Electoral College.**—This term is applied to the whole body of electors in a State or in the United States. Each State is entitled to a number of electors equal to the whole number of Senators and Representatives to which the

State is entitled in Congress. In the Presidential election of 1896 the electoral college numbered four hundred and forty-seven.

**115. Restrictions as to Electors.**—Members of Congress and all persons holding any office of trust or profit under the United States, are prohibited from being appointed electors.

This was designed to keep the electors free from personal interest in the election. But as electors do not now use their own judgment in selecting the President and Vice-President, this provision has little practical value.

**116. Electors, When Chosen.**—The electors are now chosen on the Tuesday next after the first Monday of the last November of each Presidential term of office.

**117. Qualifications for President.**—

1. He must be a natural born citizen. A foreigner, if naturalized, can hold any office under the United States except those of President and Vice-President.

2. He must be not less than thirty-five years of age.

The requirement as to age is somewhat greater than in the case of a Senator on account of the greater dignity of the office. Besides, it is not

probable that the people of the whole country would have become sufficiently familiar with the career and character of a man of less years to judge as to his fitness for the office.

3. He must have been fourteen years a resident within the United States.

That he may know the condition and needs of the country.

The qualifications for Vice-President are the same as those for President. The term of office is also the same.

**118. Salary.**—The salary of the Vice-President is \$8,000 a year.

**119. Election of President and Vice-President.**—The electors meet in their respective States, usually at the capital, on the second Monday in January following the election, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves. The electors in each State make lists of all persons voted for as President and Vice-President and of the number of votes for each. These lists they sign, certify, and seal. Three sets of these lists are prepared, one of which is sent to the President of the Senate by mail, another to the same officer by special messenger, and

the third is delivered to the judge of the United States District Court of the district in which the electors meet.

On the second Wednesday in February both Houses of Congress meet together, and in their presence the President of the Senate opens the certificates, and the votes are then counted by tellers appointed from each House.

If any candidate for President is found to have a majority of all the electoral votes he is declared elected.

If any candidate for Vice-President is found to have a majority of all the electoral votes he is declared elected.

If in either case no candidate has a majority, there is no election by the electors.

When the electors fail to elect a President the House of Representatives chooses the President.

The election of President in this case devolves upon the House of Representatives because that body more immediately represents the people.

When the electors fail to elect a Vice-President the Senate chooses the Vice-President.

**120. Popular Vote.**—A majority of the popular vote is not necessary to the election of President. A candidate may have a large majority of the electoral vote and yet be in a

minority so far as the vote of the people is concerned.

The following have been minority Presidents: John Quincy Adams, Polk, Taylor, Buchanan, Lincoln (first term), Hayes, Garfield, Harrison, and Cleveland (both terms).

These Presidents, except Adams, Hayes, and Harrison, received each a plurality of the popular vote.

Plurality, as used in politics, means the number by which the votes cast for the candidate who receives the largest number exceed the votes cast for the candidate who receives the next largest number, when there are more than two candidates and no one receives a majority of the votes.

Majority is the number by which the votes cast for the candidate who receives the largest number of votes exceed the votes cast for *all* other candidates.

Minority is the smaller of two parts into which a number is divided.

A candidate has a minority when he receives a less number of votes than *all* other candidates.

In referring to the result of an election the term "majority" is generally used instead of "plurality," except when it is necessary to mark the difference.

The result of the Presidential election of 1892 illustrates the meaning and use of the foregoing terms.

The popular vote was divided as follows:

Cleveland,	5,556,918
Harrison,	5,176,108
Weaver,	1,041,028
Bidwell,	264,133
Wing,	21,164
All others,	51,285
Total,	<hr/> 12,110,636

Cleveland's plurality (excess over Harrison) was 380,810. His minority (less than all others) was 996,800.

The electoral vote was as follows :

Cleveland,	277
Harrison,	145
Weaver,	22
Total,	<hr/> 444

Cleveland's majority (excess over Harrison and Weaver) was 110.

**121. Election of President by the House.**—When the election of President devolves upon the House of Representatives, that body must select the President from the three highest on the list of those voted for as President.

In such case the vote must be taken by States, each State having one vote, to be cast as determined by a majority of the Representatives from that State. A quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice.

If the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon that body, before the fourth day of March next following, the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.

Thomas Jefferson (first term) and John Quincy Adams were elected to the Presidency by the House.

**122. Election of Vice-President by**

**the Senate.**—When the election of Vice-President devolves upon the Senate, that body must select the Vice-President from the two highest on the list of those voted for as Vice-President. A quorum for this purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

**123. Disputed Election of 1876.**—An unforeseen difficulty in the election of President occurred in 1876–77. In four States, Oregon, South Carolina, Florida, and Louisiana, two sets of electors claimed to be the duly chosen electors. From each of these States were sent double returns. When the Senate and House met in convention to count the votes, the question arose as to which of these returns should be recognized as true and legal. Both parties claimed these States and as the result of the election depended on their votes the excitement throughout the country was intense.

**124. Decision of the Contest.**—There being no Constitutional provision or law by which the question could be settled, both parties agreed to the submission of all points in dispute to a commission created by Congress and known as the Electoral Commission, composed of five Sen-

ators, five Representatives, and five Justices of the Supreme Court. This Commission decided by a vote of eight to seven in favor of the Republican electors, and Hayes was declared elected by a vote of 185 to 184 for Tilden, the Democratic candidate.

**125. Electoral Count Bill.**—An Act of Congress of 1887 provides that a tribunal appointed in and by each State, shall determine what electoral votes from the State are legal, and if the State has appointed no such tribunal, the two Houses of Congress shall determine which votes (in case of double returns) are legal. This is intended to prevent a recurrence of the difficulty of 1877.

**126. Presidential Succession.**—When a vacancy occurs in the office of President, the duties of that office shall devolve on the Vice-President. A Presidential Succession law was passed in 1886, providing that if, at any time, there be no President nor Vice-President, a member of the Cabinet shall act as President, the order of succession being as follows: the Secretaries of State, Treasury, and War, the Attorney-General, the Postmaster-General, the Secretaries of the Navy and Interior, and (by Act of 1892) the Secretary of Agriculture.



This applies only to such cabinet officers as have the qualifications for President prescribed by the Constitution.

**127. Inauguration.**—The President is inaugurated on the fourth of March next following his election, when the oath of office (Constitution, 61,) is administered to him by the Chief Justice.

## SECTION II. POWERS OF THE PRESIDENT.

**128. Commander-in-Chief.**—The President shall be Commander-in-chief of the army and navy.

Promptness and vigor as well as wisdom are needed in the conduct of military operations. This power is intrusted to the executive, where these qualities are more likely to be found than in any other department. There should be no divided responsibility in the exercise of the highest military power.

**129. President's Cabinet.**—The President may require the opinion in writing of the heads of the executive departments on subjects relating to their official duties.

The heads of the departments, collectively, are called the Cabinet. The President calls frequent meetings of the Cabinet for the purpose of consulting with them on public matters and obtain-

ing their advice as to the management of the executive department. The salaries of the Cabinet officers are \$8,000 a year each.

The departments and their heads are:

Department of State,	Secretary of State.
Treasury Department,	Secretary of the Treasury.
War Department,	Secretary of War.
Navy Department,	Secretary of the Navy.
Department of the Interior,	Secretary of the Interior.
Post-Office Department,	Postmaster-General.
Department of Justice,	Attorney-General.
Department of Agriculture,	Secretary of Agriculture.

Each head of a department has under him a large number of officers and employés, among whom the work of the department is divided. The chief clerk of each department is an important officer, as he has general supervision of the subordinate clerks and of the business of the department.

The following summary of the duties of the heads of departments is condensed from the Congressional Directory, which states minutely the duties of officers in the several departments.

The Secretary of State is regarded as first in rank among the members of the Cabinet. He has charge of all matters relating to the foreign affairs of the United States. He has the custody of the great seal of the United States, and the originals of all laws and treaties, and publishes the laws and other important official documents.

The Secretary of the Treasury is charged with the management of the national finances. He superintends the collection of the revenue, receives and disburses the public money, and prepares plans for the improvement of the revenue and the support of the public credit. He also controls the construction of public buildings, the coinage and printing of money, and has general supervision of several minor branches of the public service.

The Secretary of War performs such duties as the President may enjoin upon him concerning the military service. He has supervision of all purchases of army supplies, of all expenditures for the army, of the Military Academy at West Point, and of all matters relating to river and harbor improvements.

The Secretary of the Navy performs such duties as the President may assign him concerning the naval service, and has general superintendence of the construction, manning, armament, equipment, and employment of vessels of war.

The Secretary of the Interior is charged with the supervision of public business relating to patents, pensions, the public lands, the Indians, education, railroads, the census, and the National Parks.

The Postmaster-General has the management of the Post-Office Department. He appoints most of the officers and employés of the department, and all postmasters whose compensation does not exceed one thousand dollars a year. He makes postal arrangements with other governments, and has general control of the domestic and foreign mail service.

The Attorney-General is the chief law officer of the government. He conducts suits in the Supreme Court in which the United States is a party, and gives advice on questions of law when it is required by the President or the heads of the other executive departments.

The Secretary of Agriculture is charged with the supervision of all public business relating to the agricultural industry, as the procuring and dissemination of information on agricultural subjects, and the testing and distribution of new and valuable plants and seeds.

**130. Reprieves and Pardons.** — The President shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

This power relates only to cases of convictions in the United States Courts.

A reprieve is a suspension for a time of the execution of a sentence.

A pardon is a release from punishment for a crime.

**131. Treaties.**—The President shall have power by and with the advice and consent of the Senate to make treaties with foreign nations, provided two-thirds of the Senators present concur.

This power is too important to be intrusted to any one man. The Constitution, therefore, requires that treaties shall not be valid unless confirmed by vote of the Senate. The Senate, being smaller and less liable to be moved by sudden popular impulses and containing more wisdom, experience, and special knowledge of our foreign relations, is a more reliable body than the House to decide what the interests of the nation require in the making of treaties.

**132. Appointments.** — The President shall nominate and, by and with the advice and consent of the Senate, appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not otherwise provided for.

In the matter of appointments the Senate is a

check to the President. Knowing that his nominations will be examined closely by the Senate he will naturally make careful selections.

A public (foreign) minister is an agent commissioned to reside at the capital of a foreign nation as the representative of his government in its intercourse with the government of such foreign nation.

The foreign ministers of the United States are of three grades: ambassadors, ministers plenipotentiary (with full powers), and ministers resident. The name ambassador was first applied to United States ministers in 1893, when by Act of Congress the President was authorized to direct that our representatives to foreign governments should bear the same designation as the representatives of such governments in the United States. Our government sends ambassadors to Great Britain, France, Germany, and Italy. The salary of an ambassador is \$17,500 a year, with the exception of the ambassador to Italy who receives \$12,000 a year.

In many other countries our government is represented by ministers plenipotentiary, with salaries ranging from \$5,000 to \$17,500 a year; and in certain others by ministers resident, with salaries from \$4,000 to \$7,500 a year.

Consuls-general are diplomatic officers charged with the supervision of all the consuls of their government in the countries to which they are sent. Consuls are commercial agents of the government, who reside generally at the seaports of foreign nations to take care of the commercial interests of their country and its citizens.

In considering treaties and the fitness of nominations the Senate meets in "executive session," when the proceedings are conducted in secret. Such sessions are termed executive because they relate to executive rather than legislative business.

## SECTION III. DUTIES OF THE PRESIDENT.

**133. President's Message.**—The President's message is the document in which the President from time to time gives to Congress a general account of the operations of the government and recommends such measures as he deems necessary and expedient.

The President annually, at the beginning of each session, sends such a message to Congress. He also sends special messages when necessary.

**134. Extra Sessions.**—The President may call extra sessions of Congress on extraordinary occasions, that is, when in his judgment the public interests so require.

**135. Adjournment.**—When the two Houses of Congress cannot agree as to the time of adjournment, the President may adjourn them to such time as he shall think proper.

**136. To receive Ambassadors and other Public Ministers.**—A foreign minister on his arrival at Washington presents himself, with his credentials, at the executive mansion, where he is formally received by the President. Until this ceremony has taken place he can do no formal official act.

It is thought by some that the advice and con-

sent of the Senate are needed as a check to the President in the exercise of this important and delicate function. In case of revolution or the existence of rival governments in a foreign country, the recognition of a minister of either party would cause ill-feeling toward our government on the part of the opposite party, and might even become a cause of war. The critical nature of this trust requires great caution, discretion, and judgment in its exercise.

**137. Execution of the Laws.** — The great duty of the President is to take care that the laws are faithfully executed.

“The laws” include the Constitution, Acts of Congress, and the obligations of treaties.

#### SECTION IV. REMOVAL FROM OFFICE.

**138. Removal.** — The President and all civil officers may be removed from office on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors.

Bribery, as used here, is the act of a public officer in taking a reward for using his official position to the advantage of some one.

What constitute high crimes and misdemeanors is left to the Senate, when sitting as a court of impeachment, to decide, which would probably be done by referring to the common law.

## ARTICLE III.

## THE JUDICIAL DEPARTMENT.

## SECTION I. UNITED STATES COURTS.

**139. Judicial Power.** — The judicial power of the United States is vested in one Supreme Court and in such inferior courts as Congress may from time to time ordain and establish.

**140. Duty of the Judiciary.** — The duty of the judicial department is to interpret or explain the laws, and to decide whether they are such as the legislative authority could, by the provisions of the Constitution, make. This power of decision is exercised when, in cases that come before the Supreme Court, one of the parties denies the constitutionality of a law. If the judges, on examining the law, find its enactment to have been within the legislative authority, it remains in force and must be obeyed; if not, they declare it is not a law, and it becomes void and of no effect. This power of the judiciary is another check to hasty legislation.

“In this supreme exercise of jurisdiction our highest federal tribunal is unlike any other known to history. The Supreme Court is the most original of all American institutions. It is peculiarly



American, and for its exalted character and priceless services it is an institution of which Americans may well be proud."—*Fiske*.

**141. Inferior Courts.**—Congress has established—

**1. Nine Circuit Courts.**

The judicial districts of the country are grouped into nine circuits, each comprising several States. Judges are appointed for the circuits at a yearly salary of \$6,000 each. To each circuit is allotted one of the justices of the Supreme Court, who visits his circuit periodically and tries important cases.

**2. Circuit Courts of Appeals.**

These courts were created in 1891 for the relief of the Supreme Court. In each circuit the Supreme Court justice, the Appeal Court judge, and the Circuit judge constitute a Court of Appeals which can review on appeal the final decisions of the Circuit and District Courts, except in such cases as must be directly reviewed by the Supreme Court. The salary of an Appeal Court judge is \$6,000 a year.

**3. District Courts.**

The United States is divided into judicial districts, some of which comprise a State, while the larger States are divided into two or more districts. At present there are about seventy districts, each having a court, and a district judge. The salary of each of these judges is \$5,000 a year.

The jurisdiction of these courts is limited to cases under United States laws which are not required to be tried in the higher courts.

**4. Court of Claims.**

This court, consisting of a Chief Justice and four Associate Judges at a yearly salary of \$4,500 each, was created to hear and determine certain claims against the government

which could not be otherwise adjusted without much delay and injustice.

### 5. Court of Private Land Claims.

This court was established in 1891 to settle such claims of persons and corporations to lands within the territory derived from Mexico as the United States is bound to recognize by virtue of the treaties of cession. It consists of one Chief Justice and four Associate Justices at a yearly salary of \$5,000 each.

### 6. Supreme Court of the District of Columbia.

This court consists of a Chief Justice (yearly salary \$6,500) and five Associate Justices at a yearly salary of \$5,000 each. Its jurisdiction is confined to cases arising in the District of Columbia.

### 7. Territorial Courts.

These courts exercise jurisdiction in the territories. The salary of the territorial judges is \$3,000 a year each.

Consular courts are sometimes held by United States consuls in foreign countries to decide cases which arise in commercial transactions between American citizens and foreigners.

The term of office of the judges of all courts, except the territorial and consular courts, is during good behavior. Judges of the territorial courts are appointed for a term of four years, unless sooner removed. All judges are appointed by the President with the consent of the Senate.

**142. Supreme Court.** — The Supreme Court is composed of one Chief Justice and eight Associate Justices. The court holds one regular session each year at the capital, commencing the second Monday in October.

**143. Term.** — The term of office of the

Justices of the Supreme Court is during good behavior.

The Justices have practically a life tenure that they may be independent in their decisions. If they could be removed at the pleasure of the appointing power, or if they held their places by vote of the people for a limited period, they might be inclined to shape their decisions so as to prevent removal or to secure reelection, without due regard to the claims of justice.

A judge, who is seventy years of age and who has served ten years, may resign and receive the full salary during the remainder of his life.

**144. Salaries.**—The Chief Justice receives <sup>3000</sup> ~~\$10,000~~ a year; the Associate Justices, <sup>12500</sup> ~~\$10,000~~ / 2500 a year each. Their salaries shall not be diminished during their continuance in office.

In interpreting the laws they might, by their decisions, incur the enmity of Congress, which might punish them (if that body had the power) by reducing their salaries. Each department of the government should be, so far as possible, independent of the others.

## SECTION II. JURISDICTION AND TRIAL OF CRIMES.

**145. Jurisdiction.**—The judicial power extends to all cases in law and equity arising

under the Constitution, the laws of the United States, and treaties made under their authority.

**146. Criminal Trials.**—1. The trial of all crimes except in cases of impeachment shall be by jury.

A trial by jury is a trial before twelve impartial men, who shall hear the evidence and must decide unanimously as to the guilt or innocence of the accused before he can be punished or set free. This right is one of the great bulwarks of liberty.

2. Such trials shall be held in the State where said crimes are committed.

This is designed as a benefit to an accused person by not subjecting him to the certain expense, and possible danger to his interests, that would attend a trial in a place distant from his home and friends.

The trial of crimes not committed in any State shall be held where Congress may by law direct.

By "crimes not committed in any State," are meant those committed in the District of Columbia, the Territories, the forts and government buildings, and on the high seas. Congress has passed laws providing for all of these.

The "high seas" are the waters of the ocean beyond low-water mark. Crimes committed on shipboard in these waters are tried in the State where the vessel first arrives.

**SECTION III. TREASON AND ITS PUNISHMENT.**

**147. Treason Defined.**—Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort.

Levying war is the assembling of armed men for the purpose of carrying on war.

A knowledge and concealment of treason without assenting to it is termed *misprision* of treason, and is punishable by imprisonment not exceeding seven years and a fine not exceeding one thousand dollars.

**148. Conviction.**—The testimony of two witnesses to the same overt act, or confession in open court is necessary to a conviction of treason.

Treason is regarded as the highest crime against society, since its object is to destroy the government. Traitors therefore deserve severe punishment. It is well that a crime so odious is so clearly defined, and that the clearest proof of its commission is necessary to a conviction.

An overt act is an act that can be clearly proved. An open court is one to which free admission is given to all who wish to enter.

**149. Punishment.**—Congress has power to declare the punishment for treason, and has prescribed death as the extreme penalty for that offence, but a less punishment may be inflicted. At the discretion of the court, the traitor may be imprisoned for not less than five years, and fined not less than ten thousand dollars.

## ARTICLE IV.

## RELATIONS OF THE STATES.

## SECTION I. STATE RECORDS.

**150. Public Acts, etc.**—Each State must give full faith and credit to the public acts, records, and judicial proceedings of every other State.

The chief value of this provision is to prevent endless lawsuits. When a case has been decided in one State it cannot be reopened by either party in the courts of another State.

Public acts are the Constitution and laws of a State. State records are the registered deeds of property, journals of legislatures, etc. Judicial proceedings are the records of courts.

## SECTION II. PRIVILEGES OF CITIZENSHIP.

**151. State Recognition.**—No State shall give its citizens any privileges which it does not equally give to the citizens of all other States.

If a citizen of Massachusetts goes into Connecticut he is entitled to all the privileges of a citizen of Connecticut.

**152. Fugitive Criminals.**—A person charged with crime fleeing from one State into another shall be delivered up on demand of the executive authority of the State from which he fled.

Such demand made by the Governor of one State on that of another is called a requisition.

### SECTION III. NEW STATES AND TERRITORIES.

**153. Admission.** — New States may be admitted into the Union by Act of Congress.

On coming into the Union, new States are received on terms of equality with all other States.

The steps by which a Territory may become a State are :

1. A petition to Congress expressing the desire of the people for admission.
2. An enabling act passed by Congress stating the conditions of admission.
3. The adoption of a Constitution and a form of State government by a convention of delegates chosen by the people.
4. The ratification of the Constitution and the election of State officers by the people.
5. A proclamation by the President announcing that the Territory has become a State.

The Territory of Utah applied for admission as a State in 1893. Congress passed an enabling act in July, 1894, authorizing the assembling of a convention to form a constitution and a State government. It was directed that said constitution should provide that perfect religious toleration should be secured, that a system of public schools free from sectarian control should be established, and that polygamous or plural marriages should be forever prohibited.

A constitution containing these features was adopted by a convention which met in March, 1895. This constitution was ratified and adopted by the people at an elec-

tion in November, 1895, and Utah became a State thereunder on proclamation of the President, issued January 4, 1896.

**154. Secession.**—Though the Constitution makes all necessary provision for the admission of States it contains no provision for secession. A State cannot secede from the Union constitutionally. “The Constitution creates an indissoluble Union of indestructible States.”—*Bancroft*.

**155. Formation.** — No State shall be formed within the jurisdiction of any other State, nor shall any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned, as well as of the Congress.

Maine, formerly a part of Massachusetts, was permitted to become a State in 1820 by the joint action of Congress and the legislature of the latter State. Vermont, Kentucky, and West Virginia were also parts of other States before their admission. Texas, having revolted from Mexico, was an independent republic for some time before its admission by *annexation*. The other States which have come into the Union since the ratification of the Constitution were formed from territory belonging to the United States, outside of the boundaries of the States. No State has



been formed by the junction of States or parts of States.

**156. Territories.**—The Territories are under the control of Congress, which has the power to make all needful regulations for their government.

#### SECTION IV. GUARANTEES TO THE STATES.

**157. Form of Government.**—The United States guarantees to the States a republican form of government.

No State government can become a monarchy or an aristocracy.

**158. Protection.**—The United States guarantees to the States protection against invasion and domestic violence. This power of protection is intrusted to the executive. The President, as commander-in-chief of the military and naval forces, may at any time call into service a force sufficient for the protection of any State or all the States.

#### ARTICLE V.

##### MODE OF AMENDMENT.

**159. Constitution, How Amended.**—Amendments may be proposed by two-thirds of both Houses of Congress or by a convention called by Congress on application of the legisla-

tures of two-thirds of the States. Such amendments must be ratified by the legislatures of three-fourths of the States, or by conventions in three-fourths of the States.

It will be observed that there are two modes of proposing and two of ratifying amendments to the Constitution. The amendments that have been adopted were proposed by Congress and ratified by the State legislatures.

When an amendment has been ratified by the requisite number of States a proclamation of the Secretary of State announces that it has become a part of the Constitution.

## ARTICLE VI.

### SUPREMACY OF THE CONSTITUTION.

#### **160. Obligations of the Government.**

—The Constitution declares the debts contracted and the engagements entered into before the adoption of the Constitution valid.

The object of this provision was to allay the fear of public creditors by proclaiming to the world that the United States under the new government considered itself in honor bound to pay all its debts and to keep all its engagements.

**161. Supreme Law.** — The Constitution and the laws of the United States made in pursuance thereof and all treaties made under the

authority of the United States are the supreme law of the land.

The laws of the Nation are supreme over State laws.

**162. Oath.**—The following named officers are required to take an oath or affirmation to support the Constitution :

1. Members of Congress.
2. Members of State Legislatures.
3. Executive and judicial officers of the United States.
4. Executive and judicial officers of the several States.

This oath or affirmation must be taken by each of these officers before he enters on the discharge of his duties.

**163. Religious Test.**—The Constitution in no way interferes with any man's religious faith or worship. It forbids the requirement of any religious test as a qualification for office under the United States. Equality under the law and absolute civil and religious freedom are the birthright of every American.

Religious test means the taking of a *test* oath to favor certain religious opinions as a qualification for office.

## ARTICLE VII.

## RATIFICATION OF THE CONSTITUTION.

**164. Establishment.** — The ratification of nine States was sufficient for the establishment of the Constitution. This ratification established for the United States “a government of the people, by the people, and for the people.”

## AMENDMENTS TO THE CONSTITUTION.

**165. Amendment Defined.** — An amendment is an alteration or change adopted as a remedy for a fault in the Constitution.

Fifteen amendments have been adopted. The first ten were proposed in 1789 and ratified in 1791. They were adopted because of the prevailing feeling that the Constitution did not sufficiently guard the rights of the people.

**166. Bill of Rights.** — The first ten amendments are regarded as a bill of rights, that is, a formal declaration of certain rights claimed by the people as essential to the protection of their lives, liberty, and property.

## FIRST AMENDMENT.

**167. Freedom of Religion.** — England has an established church, known as the “Church of England,” maintained by the government.

The founders of our government thought that Church and State should be kept separate. This amendment forbids Congress to establish a religion or to prohibit the free exercise thereof. One of the dearest rights of man is the right of private judgment in matters of religion, and freedom of worship according to the dictates of his own conscience. In this country a man may hold and practice any religion he prefers without having his rights as a citizen thereby impaired. A safe rule for our guidance is that left us by Washington: "All those who conduct themselves as worthy members of the community are equally entitled to the protection of the civil government."

**168. Freedom of Speech and of the Press.**—The Constitution allows every man to speak, and write, or print whatever he pleases, provided by so doing he does not unjustly injure others. In such case the injured has a remedy in the laws against slander and libel, that is, malicious and untrue statements concerning one's life and character.

**169. Freedom of Assembly and Petition.**—Despotic governments have often denied to the people the right of assembly, under the pretence of preventing insurrections. Republican government would be a failure if citizens

had not the right of assembling for the discussion of questions of public interest. No people who are worthy of any of the privileges of free-men will ever surrender this inestimable right.

Americans may assemble for any purpose, but the assembling must be peaceable. There is no encouragement here for riotous meetings or mobs. They must be dispersed.

The right of petition is a necessary accompaniment to the rights of free speech and free assembly.

## SECOND AMENDMENT.

**170. Freedom to Keep and Bear Arms.**—This right is fundamental. Without it the people would be powerless in the presence of any organized attempt to deprive them of their liberties by force. This provision does not prevent the enactment of laws forbidding the carrying of concealed weapons.

## THIRD AMENDMENT.

**171. Freedom from Compulsory Quartering of Soldiers.**—By “quartering” is meant feeding and lodging. Before the Revolution the British Parliament passed a law known as the “Quartering Act,” requiring the colonists to find quarters for soldiers.

## FOURTH AMENDMENT.

**172. Freedom from Unreasonable Searches and Seizures.** — No officer can legally search a house without a search warrant, that is, a written order from a judicial officer authorizing him to search for stolen or smuggled property.

## FIFTH AMENDMENT.

**173. The Right not to be Tried for Crime unless on a Presentment or Indictment of a Grand Jury.**—

An indictment is a written accusation of a grand jury, prepared by a prosecuting officer, stating the offence for which the accused is to be tried.

A presentment is a written accusation of a grand jury founded on their own personal knowledge of the facts.

A grand jury is a body of men, not less than twelve nor more than twenty-three, whose duty it is to inquire into charges against accused persons and, if justice demands, to find indictments. No indictment or presentment can be made, except by the agreement of at least twelve jurors.

**174. Not to be Twice put in Jeopardy of Life or Limb for the Same Offence.**—This means that after an accused person has been convicted and sentenced, or acquitted of the offence charged, he shall not be tried for the same offence a second time.

If, for any reason, as failure to agree, or the

death of a juror, the jury has been discharged without giving a verdict; or if the verdict has been set aside by the judge, as he has power to do in certain cases; or if a new trial has been granted in his favor, the accused may be tried again, for in all these cases his life or limb cannot be said to have been put in jeopardy.

**175. Not to be Compelled to be a Witness against Himself.**—The accused may make any statement, or testify on his trial, if he so desires.

**176. Not to be Deprived of Life, Liberty or Property without Due Process of Law.**—"Due process of law" includes the prescribed forms for ascertaining the guilt or innocence of an accused person, or for determining the titles to property.

**177. Not to Have Private Property Taken for Public Use without Just Compensation.**—The right of the government to take land or other private property for public use is called the right of "eminent domain." It rests on the principle that the right of the individual should give way to the public necessity. Government frequently exercises this right. If the government and the owner cannot agree upon a price, a jury is summoned to "assess the



damages," that is, to determine what is a fair price for the property.

### SIXTH AMENDMENT.

**178. The Right of an Accused Person to a Speedy and Public Trial.**—The trial should be speedy, since it would be unjust to keep any one imprisoned before trial a moment longer than necessary. He might be able to prove his innocence immediately. The trial should be public to insure fairness.

**179. To a Trial by a Jury of His State or District.**—This is an additional guard against the hardship which would result from compelling a person to be tried in a place distant from his friends and witnesses, thereby causing him inconvenience and unnecessary expense. He is to be tried in the State, and if the State be divided into judicial districts, in the district in which the crime was committed.

**180. To Know of What He is Accused.**—He has a right to see the indictment that he may intelligently prepare his defence.

**181. To be Confronted with the Witnesses against Him.**—That he or his counsel by questioning them may bring out any points in his favor.

**182. To Have the Attendance of Witnesses in His Favor Compelled.**—He is entitled to bring forward all available proofs of his innocence.

**183. To Have Counsel for His Defence.**—If he is so poor that he cannot employ counsel, the judge will appoint a lawyer to defend him at the expense of the government.

Counsel is one who gives legal advice or manages a case in court.

#### SEVENTH AMENDMENT.

**184. The Right of Trial by Jury Where the Value in Controversy Exceeds Twenty Dollars.**—This provision was adopted because of the objection that, while the Constitution had provided for the trial of crimes by jury, it made no provision for such trial in civil cases, which might therefore be held to be excluded from that privilege. It seems hardly fair to subject the government to the expense of a jury trial in suits to recover trifling sums, but so jealous are we of the rights of citizens that cases are frequently tried in our courts where the sum in controversy is less than the expense of the trial to the government.

**185. To Have Facts Finally Determined by a Jury Trial.**—It is the duty of

the judge to determine the law, and that of the jury to determine the facts in a case. This provision was inserted because it was feared that in cases in which an appeal had been taken from the decision of a lower court to the Supreme Court, the latter, under the power given by the Constitution [69], might overthrow the decisions of juries as to matters of fact, and so reduce trial by jury to a mere form.

#### EIGHTH AMENDMENT.

**186. Not to be Required to Furnish Excessive Bail.**—Bail is a sum required to be pledged as security for the appearance of an accused person in court when summoned for trial. This term is also used to designate the person who gives the security. Excessive bail is a sum larger than is necessary to secure the appearance of the accused.

**187. Not to Have Excessive Fines Imposed.**—Fines are sums of money exacted as punishment for offences against the laws. The laws regulate the amount of fines for offences so punishable. The amount of fine to be imposed, within the limits of the law, is left to the discretion of the judge.

**188. Not to Suffer Cruel or Unusual Punishments.**—Cruel punishments, such as

we cannot think of without a shudder, have sometimes been inflicted by governments, and even for slight offences. Such severity is happily forbidden by our Constitution. Blackstone says : “Crimes are more effectually prevented by the certainty, than the severity of punishment.”

#### NINTH AMENDMENT.

**189. Retained Rights.**—The enumeration in the Constitution of certain rights shall not be construed to deny or disparage other rights retained by the people.

It would be impossible to frame a constitution that would state exactly and completely all the rights of the people. The object of this amendment was to dispel the fears of some that because certain rights are asserted in the Constitution, other rights, not mentioned, might be regarded as having been surrendered to the general government.

#### TENTH AMENDMENT.

**190. Reserved Powers.**—This amendment guards the rights of the States and the people by limiting the powers of the general government to those granted by the Constitution. It was designed to allay fears which existed, that the National government might exercise powers that belonged either to the States or the people.

## ELEVENTH AMENDMENT. 1798.

**191. Judicial Power Limited.**—This amendment limits the power of the judiciary by providing that no person shall bring a suit against a State in the United States Courts.

## TWELFTH AMENDMENT. 1804.

**192. Presidential Election.**—The object of this amendment was to make such changes in the manner of electing the President and Vice-President as the election of 1800 showed to be necessary.

Article II., Section 1, Clause 3, provided that each elector should vote for two candidates for President. The candidate who received the greatest number of votes was to be President, if such number were a majority of all the electoral votes, and the one having next to the greatest number was to be Vice-President. In 1800 it happened that the votes were equally divided between Jefferson and Burr. The election therefore devolved upon the House of Representatives where for thirty-five ballots, occupying seven days, the vote stood Jefferson 8 States, Burr 6, divided 2. It was feared that on the fourth of March the country would be without a President, but on the thirty-sixth ballot the danger was averted by the election of Jefferson, he having received the votes of 10 States.

To prevent such a contest in the future this amendment was adopted which provides that the electors shall vote for but one candidate for President, and that if there be no choice before the fourth of March, the Vice-President shall act as President.

**THIRTEENTH AMENDMENT.** 1865.

**FOURTEENTH AMENDMENT.** 1868.

**FIFTEENTH AMENDMENT.** 1870.

**193. Purpose.**—The purpose of these amendments was to secure the results of the Civil War.

**194. Slavery.**—The abolition of slavery was effected by the thirteenth amendment. By the adoption of this amendment four million slaves became freemen.

**195. Citizenship.**—The fourteenth amendment (Section I.) defines citizenship and limits the power of the States with respect to the privileges of citizens.

Section II. establishes a new rule of apportionment of Representatives and states the conditions on which the basis of representation may be reduced in any State.

**196. Exemption from Punishment for Treason.**—The object of Section III. was to relieve the inhabitants of the States which attempted to secede from the Union in 1860–61 from liability to the punishments for treason prescribed by law. Not one of them was ever tried on that charge. This section provided no other punishment for those who fought against the Union than disability to hold certain offices, and

this provision was to apply only to those who previous to the rebellion had taken an oath as public officers to support the Constitution of the United States. It was further provided that Congress, by a vote of two-thirds of both Houses, might remove such disability. Now no citizen is under political disabilities because of the part he took in the Civil War.

**197. Public Debt.**—Section IV. declares that the public debt of the United States shall be paid, it prohibits the payment by the United States or any State of debts contracted in aid of the rebellion and the payment by either of any claim for the loss or emancipation of any slave.

**198. Suffrage.**—The fifteenth amendment guards the right of suffrage granted to the freedmen. The qualifications of voters is a matter under the control of the States, except as limited by the Constitution of the United States. This amendment limits the power of the States over the suffrage.

Suffrage is the expression of opinion by voting.

#### CITIZENSHIP.

**199. Rights of American Citizens.**—The principle announced in the Declaration of Independence, that all men are created equal, applies to all persons in the United States. The

lives, liberty, and property of all are equally under the protection of the law. All have the right to improve their physical, mental, and moral powers; to use and enjoy whatever they have lawfully acquired and to dispose of the same in any way they think best. Every one may worship God according to the dictates of his own conscience, and he cannot be deprived of any right of a citizen on account of his religious sentiments or mode of worship. He may speak, and write or publish his thoughts and opinions on any subject, being responsible only for the abuse of this liberty. He has a right to privacy in his home and to freedom from unreasonable searches and seizures of his person, his house, his papers and all his possessions. Every citizen may travel throughout the whole extent of the country in perfect security, so far as the laws are concerned. If, in journeying in a foreign land, he receive any indignity, he may invoke for his aid and protection, if necessary, the whole power, civil and military, of his government. He is free to decide for whom he will vote for public office, and may himself aspire to any position within the gift of the people. He may establish his home and follow his vocation where-soever he chooses, and is at liberty to change



either or both at his convenience. For all injuries and wrongs he may receive in his person, property, or reputation he has a remedy in the laws as interpreted by free, impartial, and independent judges, and is entitled to receive right and justice freely, fully, and without delay. If accused of any offence against the laws, he is presumed innocent until proved guilty, and he may use all the forms of legal procedure to establish his innocence. If found guilty, no cruel or unusual punishment can be inflicted on him, but only a penalty proportioned to the offence. Every one who possesses property may order to whom it shall go at his decease, after all just claims on his estate have been satisfied.

From our review of the nature of our government, the provisions of the Constitution, and the rights of citizenship, we conclude that there can be no better political condition for man than that of an American citizen.

**200. Duties of the Citizen.**—Rights and duties exist together. The preservation of the former can be assured only by the observance of the latter. It should be the aim of the citizen to become well acquainted with the history of his country, the principles upon which its government is founded, and the institutions which have

promoted its welfare. He should study the great questions of principle and policy, which divide the public attention, that he may act intelligently upon them; and above all he should cultivate a high standard of personal morality, for the republican system of government is based on the golden rule, and he who loves justice, mercy, and truth will never consent that his voice and vote shall sanction a public wrong.

It is the duty of the American citizen to defend the Union "to which we owe our safety at home and our consideration and dignity abroad"; to honor the Constitution as "the sheet anchor of our liberties"; to conscientiously obey the laws of the land, and to aid, when necessary, in their just and equal enforcement; to encourage honor and purity in the administration of the government by using his influence to place honest, faithful, and capable men in public office; and at all times, in a spirit of love and loyalty to protect the flag of his country as the emblem of liberty, equal rights, and national unity.

# CONSTITUTION OF THE UNITED STATES OF AMERICA.

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## PREAMBLE.

1. WE the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this CONSTITUTION for the United States of America.

## ARTICLE I.

2. SECTION 1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

3. SECT. 2. <sup>1</sup>The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the

qualifications requisite for electors of the most numerous branch of the State Legislature.

4. <sup>2</sup> No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

5. \*<sup>3</sup> Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and

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\* Clause 3 is amended by the 14th amendment.

Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

6. <sup>4</sup> When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

7. <sup>5</sup> The House of Representatives shall choose their Speaker and other officers; and shall have the sole power of impeachment.

8. SECT. 3. <sup>1</sup> The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof, for six years; and each Senator shall have one vote.

9. <sup>2</sup> Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the

executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

10. <sup>3</sup>No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

11. <sup>4</sup>The Vice-President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

12. <sup>5</sup>The Senate shall choose their other officers, and also a President *pro tempore*, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

13. <sup>6</sup>The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside: and no person shall be convicted without the concurrence of two-thirds of the members present.

14. <sup>7</sup>Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United

States: but the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment, and punishment, according to law.

**15. SECT. 4.** <sup>1</sup>The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

**16.** <sup>2</sup>The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

**17. SECT. 5.** <sup>1</sup>Each House shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each House may provide.

**18.** <sup>2</sup>Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

**19.** <sup>3</sup>Each House shall keep a journal of its proceedings, and from time to time publish the

same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either House on any question shall, at the desire of one-fifth of those present, be entered on the journal.

**20.** <sup>4</sup> Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

**21.** **SECT. 6.** <sup>1</sup> The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.

**22.** <sup>2</sup> No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person



holding any office under the United States, shall be a member of either House during his continuance in office.

**23.** SECT. 7. <sup>1</sup> All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

**24.** <sup>2</sup> Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall

have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

**25.** <sup>3</sup> Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

**26.** **SECT. 8.** The Congress shall have power —<sup>1</sup> To lay and collect taxes, duties, imposts, and excises; to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States.

**27.** <sup>2</sup> To borrow money on the credit of the United States.

**28.** <sup>3</sup> To regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

**29.** <sup>4</sup> To establish an uniform rule of natural-

ization, and uniform laws on the subject of bankruptcies throughout the United States.

**30.** <sup>5</sup> To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures.

**31.** <sup>6</sup> To provide for the punishment of counterfeiting the securities and current coin of the United States.

**32.** <sup>7</sup> To establish post-offices and post-roads.

**33.** <sup>8</sup> To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.

**34.** <sup>9</sup> To constitute tribunals inferior to the Supreme Court.

**35.** <sup>10</sup> To define and punish piracies and felonies committed on the high seas, and offences against the law of nations.

**36.** <sup>11</sup> To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.

**37.** <sup>12</sup> To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years.

**38.** <sup>13</sup> To provide and maintain a navy.

**39.** <sup>14</sup> To make rules for the government and regulation of the land and naval forces.

**40.** <sup>15</sup> To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.

**41.** <sup>16</sup> To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress.

**42.** <sup>17</sup> To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings; and

**43.** <sup>18</sup> To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

**44.** SECT. 9. <sup>1</sup>The migration or importation of such persons, as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

**45.** <sup>2</sup>The privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

**46.** <sup>3</sup>No bill of attainder or *ex post facto* law shall be passed.

**47.** <sup>4</sup>No capitation, or other direct tax, shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.

**48.** <sup>5</sup>No tax or duty shall be laid on articles exported from any State.

**49.** <sup>6</sup>No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to, or from, one State be obliged to enter, clear, or pay duties in another.

**50.** <sup>7</sup>No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all

public money shall be published from time to time.

**51.** <sup>8</sup> No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.

**52.** SECT. 10. <sup>1</sup> No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility.

**53.** <sup>2</sup> No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws: and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

**54.** <sup>3</sup> No State shall, without the consent of

Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

## ARTICLE II.

**55.** SECTION 1. <sup>1</sup>The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice-President, chosen for the same term, be elected, as follows:—

**56.** <sup>2</sup>Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

<sup>3</sup>[The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of

the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said House shall in like manner choose the President. But in choosing the President the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice-President. But if there should remain two or more who have equal



votes, the Senate shall choose from them by ballot the Vice-President.]

Clause 3 is superseded by the 12th amendment.

**57.** <sup>4</sup>The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

**58.** <sup>5</sup>No person except a natural born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

**59.** <sup>6</sup>In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

**60.** <sup>7</sup>The President shall, at stated times,

receive for his services, a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

**61.** <sup>8</sup> Before he enter on the execution of his office, he shall take the following oath or affirmation :—

“I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States.”

**62.** **SECT. 2.** <sup>1</sup> The President shall be Commander-in-Chief of the army and navy of the United States, and of the militia of the several States, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

**63.** <sup>2</sup> He shall have power, by and with the advice and consent of the Senate, to make trea-

ties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law: but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

**64.** <sup>3</sup> The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

**65. SECT. 3.** He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully

executed, and shall commission all the officers of the United States.

**66.** SECT. 4. The President, Vice-President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

### ARTICLE III.

**67.** SECTION 1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office.

**68.** SECT. 2. <sup>1</sup>The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority;—to all cases affecting ambassadors, other public ministers, and consuls;—to all cases of admiralty and maritime jurisdiction;—to controversies to which the United States

shall be a party;—to controversies between two or more States;—between a State and citizens of another State;—between citizens of different States;—between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign states, citizens or subjects.

**69.** <sup>2</sup>In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

**70.** <sup>3</sup>The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

**71. SECT. 3.** <sup>1</sup>Treason against the United States, shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two

witnesses to the same overt act, or on confession in open court.

**72.** <sup>2</sup>The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture except during the life of the person attainted.

#### ARTICLE IV.

**73.** SECTION 1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

**74.** SECT. 2. <sup>1</sup>The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

**75.** <sup>2</sup>A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up to be removed to the State having jurisdiction of the crime.

**76.** <sup>3</sup>No person held to service or labor in one State, under the laws thereof, escaping into

another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

**77. SECT. 3.** <sup>1</sup> New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned as well as of the Congress.

**78.** <sup>2</sup> The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

**79. SECT. 4.** The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion, and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

## ARTICLE V.

**80.** The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by Congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

## ARTICLE VI.

**81.** <sup>1</sup> All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the confederation.



**82.** <sup>2</sup> This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

**83.** <sup>3</sup> The Senators and Representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

## ARTICLE VII.

**84.** The ratification of the conventions of nine States, shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

*Done in Convention by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the*

*independence of the United States of America  
the twelfth.*

*In witness whereof, we have hereunto subscribed  
our names.*

GEORGE WASHINGTON, *President,  
and deputy from Virginia.*

NEW HAMPSHIRE.—John Langdon, Nicholas Gilman.

MASSACHUSETTS. — Nathaniel Gorham, Rufus King.

CONNECTICUT.—William Samuel Johnson, Roger Sherman.

NEW YORK.—Alexander Hamilton.

NEW JERSEY. — William Livingston, David Brearley, William Paterson, Jonathan Dayton.

PENNSYLVANIA.—Benjamin Franklin, Thomas Mifflin, Robert Morris, George Clymer, Thomas Fitzsimons, Jared Ingersoll, James Wilson, Gouverneur Morris.

DELAWARE.—George Read, Gunning Bedford, Jr., John Dickinson, Richard Bassett, Jacob Broom.

MARYLAND.—James McHenry, Daniel of St. Thomas Jenifer, Daniel Carroll.

VIRGINIA.—John Blair, James Madison, Jr.

NORTH CAROLINA.—William Blount, Richard Dobbs Spaight, Hugh Williamson.

SOUTH CAROLINA.—John Rutledge, Charles Cotesworth Pinckney, Charles Pinckney, Pierce Butler.

GEORGIA.—William Few, Abraham Baldwin.

*Attest:* WILLIAM JACKSON, *Secretary.*

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## ARTICLES

IN ADDITION TO, AND AMENDMENT OF,  
THE CONSTITUTION OF THE UNITED STATES OF  
AMERICA.

*Proposed by Congress, and ratified by the legislatures of the several States, pursuant to the fifth article of the original Constitution.*

**85. ARTICLE I.**—Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

**86. ART. II.** A well regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

**87. ART. III.** No soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

**88. ART. IV.** The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

**89. ART. V.** No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

**90. ART. VI.** In all criminal prosecutions, the accused shall enjoy the right to a speedy and

, public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence.

**91. ART. VII.** In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

**92. ART. VIII.** Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

**93. ART. IX.** The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

**94. ART. X.** The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

**95. ART. XI.** The judicial power of the United States shall not be construed to extend to any suit in law or equity commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

**96. ART. XII.** <sup>1</sup>The electors shall meet in their respective States, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the numbers of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;—the President of the Senate shall, in presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted;—the person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such

majority, then from the persons having the highest numbers, not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.

**97.** <sup>2</sup> The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

**98.** <sup>3</sup> But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

**99.** ART. XIII. SECT. 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

**100.** SECT. 2. Congress shall have power to enforce this article by appropriate legislation.

**101.** ART. XIV. SECT. 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

**102.** SECT. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for



President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

**103. SECT. 3.** No person shall be a Senator, or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each House, remove such disability.

**104. SECT. 4.** The validity of the public

debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned.

But neither the United States, nor any State, shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

**105. SECT. 5.** The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

**106. ART. XV. SECT. 1.** The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude.

**107. SECT. 2.** The Congress shall have power to enforce this article by appropriate legislation.

## GLOSSARY.

Additional definitions and explanations of words and phrases used in the Constitution. The number following each word or phrase indicates the clause of the Constitution in which it occurs.

**Attainder of Treason.** (72.) The loss of property and rights caused by a sentence to death for treason. By the common law a person so sentenced was said to be attainted,—stained or blackened. He was deprived of all legal rights. He was dead in law before the execution of his sentence. All his property was forfeited, that is, taken by the government. His blood was said to be corrupted so that he could not inherit real estate, as houses and lands, nor could his family inherit real estate from him or through him from any ancestor. Thus the innocent suffered with the guilty. The Constitution forbids such injustice and confines the punishment exclusively to the offender.

**Bankruptcies.** (29.) Bankruptcy is the state of being bankrupt or unable to pay one's debts. A bankrupt law is a law providing for the equal distribution of the property of a bankrupt among his creditors, and, by which, on

giving up his property he may be discharged from legal obligation to make further payment. Congress has power to make bankrupt laws which shall be of equal authority everywhere within the United States.

**Basis of Representation.** (102.) The Representative population of a State, or that portion of the inhabitants on which is based the number of Representatives to which a State is entitled.

**Bounties.** (104.) Money offered or given to men to induce them to enlist in the army or navy.

**Capital or otherwise Infamous Crime.** (89.) A capital crime is one punishable by death. The Supreme Court has defined an infamous crime as one punishable at hard labor for a term of years.

**Capitation Tax.** (47.) A poll tax or a tax on the person without reference to property.

**Captures.** (36.) Property captured from a hostile government or its subjects. Such property is termed *prize*, and the money obtained by its sale and distributed among the captors is commonly called *prize* money.

**Cession.** (42.) The giving up of property, as territory and rights.

**Clear—Enter.** (49.) When a vessel leaves a port the captain must obtain a clearance; that is, a certificate from the collector of customs at that port, stating that all fees having been paid and all requirements of the law having been complied with, the vessel has been cleared at the custom-house and may leave the port. When a vessel enters a port it is required that the captain shall report the arrival, give a statement of the cargo, and show the clearance he received at the port from which he came. This is termed an entry. The clause in the Constitution relating to the clearance and entry of vessels is liable to be misunderstood. The meaning is that vessels bound to a foreign country from any State, or from a foreign country to any State, shall not be obliged to clear or enter in another State, and that vessels bound from one State to another shall not be obliged to clear or enter in a *third* State. Before the Revolution, Great Britain had compelled American vessels bound to foreign ports to go first to England. It was the purpose of the Constitution to place the States on a basis of equality as regards trade. In the coasting trade between ports of the United States vessels are not generally required to clear or enter.

**Commission.** (65.) To give to a public

officer a formal written authority, called a commission, to perform the duties of his office.

**Compulsory Process.** (90.) Written orders issued by a court to compel the attendance of parties or witnesses.

**Corruption of Blood.** (72.) See attainder of treason.

**Counterfeiting.** (31.) The making of copies of coin, or government securities, with design to defraud by passing the imitation for the real.

**Current Coin.** (31.) Coin which circulates freely among the people.

**District.** (42, 90.) A portion of the United States or of a State set apart for governmental purposes. A Congressional district is a portion of a State entitled to one Representative in Congress.

**Duty of Tonnage.** (54.) A tax on a vessel in proportion to the number of tons of freight it can carry.

**Electors.** (3.) Citizens having the legal right to vote.

**Electors.** (56, 96, 97, 102.) Citizens appointed to elect the President and Vice-President.

**Emolument.** (51.) Profit, reward, or advantage received in return for a favor done to another.

**Engagements.** (81.) Promises, pledges, or contracts.

**Equity.** (68, 95.) Equity in the most general sense is equivalent to natural justice. But as distinguished from law it has a more restricted and qualified meaning. It is a body of principles formed from usage and judicial decisions, whose province is to furnish relief in cases where the law does not afford a plain, adequate, and complete remedy. Equity is said "to act in conjunction with the law to soften and correct its operation in certain cases by taking cognizance of those trusts and confidences which, though binding upon the conscience, a court of common law is unable to enforce." The main difference at the present time between law and equity is in the modes of relief. Law seeks to compensate one in money for injuries inflicted and legal obligations violated, while equity compels the performance of equitable obligations and restrains the doing of injuries for which one has no adequate remedy at law.

The principles of equity, at first somewhat indefinite and dependent largely on the sense of justice of the judge, came in time to be recognized as fixed and certain. Now, equity can be applied only according to established rules and not ac-

according to the notions of the judge as to what is reasonable and just.

Formerly equity was administered by tribunals distinct from the common law courts. Now, generally, law and equity are administered by one and the same tribunal.

The Constitution refers to "cases in law and equity" (68), and "suit in law or equity" (95), terms alike in meaning. A case or suit is any question submitted to a court by a party who asserts his rights in the form prescribed by law.

The terms quoted refer to the distinction (as explained above) in the English system of jurisprudence which the colonists adopted upon their settlement in America.

**Forfeiture.** (72.) See attainder of treason.

**Held to Answer.** (89.) Detained to await a trial.

**Immunities.** (74, 101.) Freedom from duties or obligations required of others.

**Intents and Purposes.** (80.) In all senses or meanings.

**Involuntary Servitude.** (99.) Serving another against one's will.

**Jeopardy of Life or Limb.** (89.) An old legal phrase which originated probably at a time when certain offences were punished by



mutilation, that is, by depriving the offender of a limb. Men who had written libels were sometimes punished by the cutting off of the offending member, the right hand. The present meaning is exposure to loss or injury by any legal punishment.

**Judgment.** (14.) The decision of a court or the sentence pronounced by a judge.

**Jurisdiction.** (68, 69, 77, 99, 101.) The extent of the authority of a government or a court. A court in which a suit may originate or a trial commence is said to have *original* jurisdiction. (69.) A court which has the power to review the decision of a lower court in cases appealed therefrom has *appellate* jurisdiction. (69.)

Admiralty and maritime jurisdiction (68) includes cases arising on the sea or other navigable waters, or connected with ships and seamen; as, collisions, suits to recover the wages of seamen, and contracts for carrying freight. The word admiralty is derived from admiral, an officer of high rank in the navy. Admiralty courts in England had jurisdiction in cases connected with war ships, and maritime courts in cases relating to merchant ships.

“In the Constitution the word maritime was doubtless added to guard against any narrow interpretation of the word admiralty.”—*Story*.

**Law, Common.** (91.) Law may be divided into two kinds,—the unwritten or common law, and the written or statute law. The common law consists of customs and rules of action which derive their authority from long usage and because they have been recognized universally as having the force of law, though not found in any act or statute of a law-making body. The common law was brought from England by the colonists and established here as the basis of law in all the States except Louisiana. The Constitution of the United States and the constitutions of the several States contain many common law principles. The principles of the common law are found in the records of courts, in books in which the decisions of judges are recorded, and in the writings of men learned in the law which have come down to us from former times. In cases of doubt it is for the judges in the several courts of justice to decide what is the common law.

In the language of Sir Matthew Hale, a learned Chief Justice of England: “The common law is not the product of the wisdom of some one man, or society of men in any one age, but the wisdom, counsel, experience, and observation of many ages of wise and observing men.”

The laws of Louisiana, which was settled by the French, are based on the forms and customs of French law.

**Law of Nations.** (35.) The system of rules established by civilized nations by which they have agreed to be governed in matters relating to their respective rights and duties.

**Laws, Inspection.** (53.) Laws made by a State requiring certain articles of commerce to be examined by an officer called an inspector. The grades and qualities of such articles as butter, lard, flour, petroleum, etc., are fixed, and penalties imposed for frauds. The Constitution allows States, with the consent of Congress, to levy duties on goods brought into and carried out of the States to meet the expense of their inspection laws, but the *net produce* of such duties, that is, the amount in excess of the necessary expense, shall be for the use of the treasury of the United States.

**Letters of Marque and Reprisal.** (36, 52.) Commissions granted by a government to private persons, authorizing them to go beyond the *mark* or boundary and to seize the property of another government or of its subjects in retaliation for wrongs and injuries received from that government and which it has failed to

redress. Private armed vessels whose owners have such commissions are called privateers.

**Militia.** (40, 62, 86.) The enrolled militia includes all able-bodied men in the Nation between the ages of eighteen and forty-five years, except members of the regular army and certain classes that are exempt by the laws from military service; as, judges of courts, sheriffs, clergymen, physicians, railroad conductors and engineers, and some other classes. Each State has its active militia, made up of volunteers, organized into companies, regiments, and brigades, equipped by the State, and subject to discipline and drill. In case of war or other occasion needing the services of soldiers, the active militia is ordered into service before others of the enrolled militia. It is not probable that the unorganized militia will ever be ordered into service. Should danger from foreign or domestic foes ever threaten the government, volunteer militia would spring to its defence in numbers sufficient to meet any emergency.

**Natural Born Citizen.** (58.) One born within the jurisdiction and allegiance of the United States. Children born in other countries, if their parents are citizens of the United States, are regarded as citizens of this country.

**Pensions.** (104.) Periodical payments by a government for disabilities, such as wounds, loss of limbs or health incurred in its service, or money paid for past services. No other government ever showed such liberality in the payment of pensions to its defenders as that of the United States. The amount expended for this purpose during the year ending July 1, 1894, was about \$140,000,000. On that date there were more than one million names on the pension roll. Our government has pensioned not only the disabled soldiers of the Civil War and all surviving soldiers of previous wars, but the widows of soldiers, and army nurses.

**Persons Bound to Service.** (5.) Apprentices serving under contracts between their parents or guardians and their employers to remain with the latter a specified number of years, generally until twenty-one years of age.

**Piracies.** (35.) Robberies on the high seas.

**Redress of Grievances.** (85.) Reparation for wrongs or a making good for loss suffered from wrongs, injuries, or oppression.

**Securities.** (31.) Evidences of debt. Bonds and treasury notes are government securities. They secure to the holders the payment of the sums mentioned on their face.

**Slavery—Slave.** (99, 104.) It is noticeable that neither of these words was used in the Constitution until the abolition of slavery. The framers of the Constitution were evidently ashamed to insert these words in an instrument intended for the government of freemen. There are, however, three phrases which refer to slaves. They are “all other persons” (5), “such persons” (44), and “person held to service or labor” (76). The first of these provisions has been explained on page 23; the second restrained Congress from prohibiting the foreign slave-trade until 1808, and the third required that slaves owned in one State escaping into another should be delivered up to their owners. The Northern or non-slaveholding States allowed these provisions to be inserted in a spirit of concession and compromise, as the formation of a Union seemed impossible unless they yielded these points to the prejudice and supposed interests of the slave States. Congress prohibited the foreign slave-trade in 1808, the thirteenth amendment abolished slavery in 1865, and the fourteenth amendment in 1868 established a new rule of apportionment. By the adoption of the thirteenth amendment, all previous provisions relating to slavery were, of course, abolished.

**Standard of Weights and Measures.**

(30.) An established rule or model by which all weights and measures may be tested to ascertain if they are correct. Congress has never exercised the power to fix a standard, given it by the Constitution, that is to say, Congress has passed no law declaring that any standard shall be used throughout the United States. But by Act of Congress in 1828 the brass troy pound procured by the United States minister at London, was adopted as the standard troy pound for the purposes of coinage, and the Director of the Mint was ordered to procure a series of weights and measures corresponding to the aforesaid troy pound. Standards of length, capacity, and weight were adopted by the Treasury Department in 1832. In 1836 the Secretary of State was directed to cause a complete set of all the weights and measures adopted as standards to be delivered to the governor of each State. The several States having adopted these standards the United States has practically a uniform system of weights and measures. An Act of Congress of 1866 authorized the use of the metric system, but did not establish it.

## SEARCH LIGHT STUDIES.

**"We 'll read, answer, and think upon this."**

**—Shakespeare.**

1. Who were some of the prominent members of the Constitutional Convention?
2. Who were the great leaders of the Federalist and Anti-Federalist parties?
3. Why should Congress have exclusive authority over the seat of government?
4. Are the Indians in this country citizens of the United States?
5. Why should less than a quorum of either House of Congress have power to compel the attendance of absent members?
6. How can they exercise this power?
7. Why are officers of the United States government forbidden to accept presents from foreign governments?
8. Have such presents, sent to public officers, ever been retained by our government?
9. A distinguished writer has said: "The American citizen has two loyalties and two patriotisms." Explain this expression.



10. What now constitutes legal tender in the United States?

11. Why is the United States government often called a government of "delegated powers"? Why a government of "limited powers"?

12. What feature of our governmental system cannot be changed by a Constitutional amendment?

13. On what principle does an amendment, which has been ratified by three-fourths of the States, bind a State which has not ratified it?

14. Can a Chinese or a Japanese be naturalized?

15. Why should a two-thirds rather than a majority vote be required to expel a member of Congress?

16. Can an officer escape impeachment by resigning his office?

17. What is the reason for the provision that Congress shall meet yearly?

18. Who is responsible for the character of legislation?

19. Ought a Representative to vote as a majority of his constituents desire, or in accordance with his own convictions?

20. Would a Senator or a Representative

lose his seat by removing from the State for or in which he was elected?

21. When may the Houses of Congress be said to be acting as judicial rather than as legislative bodies?

22. Has any person ever been convicted of treason against the United States?

23. Who was tried on that charge and acquitted?

24. Has a resident of the city of Washington the right to vote in a Presidential election?

25. The circumstances of the admission of West Virginia into the Union as a State were peculiar. Can you state them?

26. Are children citizens as well as men and women?

27. Why is "President" an appropriate title for the highest officer of our government?

28. Is it proper to refer to the officers of the government as "our rulers"?

29. Give an instance of the exercise of the veto power. Of the "pocket veto."

30. Has Congress the power in any case to diminish the salaries of the Justices of the Supreme Court?

31. What is meant by the term "to declare war"?

32. Can a person be a citizen of a State without being a citizen of the United States?

33. Which of the powers of Congress includes the power of acquiring territory, either by conquest or by treaty?

34. What Vice-President was elected by the Senate?

35. One of the duties of the President is to receive ambassadors. Who may reject or dismiss them?

36. Why is it provided that the salary of the President shall neither be increased nor diminished during his term of office?

37. Who may legally suspend the writ of habeas corpus?

38. By whom has that writ been suspended?

39. Why should each State be allowed a number of Presidential electors equal to the whole number of Senators and Representatives to which it is entitled in Congress?

40. Can a person who is not twenty-five years of age be legally elected to the House of Representatives?

41. Can either House punish those who are not its members?

42. What conditions does the Constitution assume to be necessary to the privilege of voting?

43. Can a State give the privilege of voting, at all elections, to women?

44. Can a person who is not a citizen of the United States have the privilege of voting?

45. Do all citizens have the right of voting?

46. Can a State nullify the laws of the United States?

47. Are taxes on the rents or income of real estate direct or indirect taxes?

48. State two ways in which Congress can borrow money.

49. How can Congress regulate the value of foreign coin?

50. In what three emergencies has the President called the militia of certain States into active service?

51. What was the last State to enter the Union, and what was the date of its admission?

52. Name an Act of Congress which the Supreme Court has declared unconstitutional.

53. Has Congress power to prohibit commerce with a foreign nation?

54. In what way does the District of Columbia resemble a Territory? How does it differ from a Territory?

55. Art. I., Sec. 8, Clause 18 of the Constitution relates to incidental or implied powers

of Congress. Name some of these powers that have been exercised.

56. What parties have favored giving the National government as much power as possible under this clause? What parties have been inclined to give little power under it?

57. Was the prohibition of the foreign slave-trade by Congress the exercise of an express or an implied power?

58. Why is the term of office of the President often called his "administration"?

59. What is the meaning of the terms "broad construction" and "strict construction" in connection with the Constitution?

60. How may a joint resolution of Congress be distinguished from a concurrent resolution? Give an example of each.

61. What places outside the boundaries of the United States are subject to the jurisdiction of the United States?

62. Give the names of the following officers and tell of what State each is a citizen: President, Vice-President, President *pro tempore* of the Senate, Speaker, Chief Justice.

63. What is the purpose of Article I., Section 6, Clause 2 of the Constitution?

64. How do the rights of aliens (subjects of

a foreign government), dwelling in this country, differ from those of a naturalized citizen?

65. Who are the United States Senators from this State? Who is the Representative of this district in Congress? The Judge of the United States Court of this judicial district? The Postmaster of this place? Name some other United States officer in this vicinity.

66. Which Presidents were re-elected? Which served two terms? Which died in office? Who succeeded each of them in the Presidential office? What Presidents passed from the office of Secretary of State to that of President?

67. Describe the great seal of the United States. For what purposes is it used?

68. Repeat from memory the preamble to the Constitution, the first amendment, and the first section each of the thirteenth, fourteenth, and fifteenth amendments.

69. Name the authors of the following quotations :

(a) "I believe this to be the strongest government on earth. I believe it to be the only one where every man at the call of the law would fly to the standard of the law and would meet invasions of the public order as his own concern."

(b) "We shall nobly save or meanly lose the last best hope of earth."

(c) "That which contributes most to preserve the State is to educate children with reference to the State; for the most useful laws, and most approved by every statesman, will be of no service if the citizens are not accustomed to and brought up in the principles of the Constitution."

(d) "It was the purpose of our fathers to lodge absolute power nowhere; to leave each department independent within its own sphere; yet, in every case, responsible for the exercise of its discretion."

(e) "Each generation in our history needs to be taught what the Constitution is, and what the framers of it understood it to be at its formation."

(f) "The Constitution has been found sufficient in the past; and in all the future years it will be found sufficient if the American people are true to their sacred trust."

(g) "If a State, 'one of the many,' claims to be above the whole, and usurps such power, the Nation must suppress it, first by judicial process, and if that be not sufficient, then by force."

(h) "The government of the United States is justly deemed the guardian of our best rights, the source of our highest civil and political duties, and the sure means of our national greatness."

(i) "The American Constitution is the most

wonderful work ever struck off at a given time by the brain and purpose of man."

(j) "An instructed democracy is the surest foundation of government."

(k) "Within their own limits they (the States) are the guardians of industry, of property, of personal rights, and of liberty. But State rights are to be defended inside of the Union; not from an outside citadel from which the Union may be struck at or defied."

(l) "Liberty and Union, now and forever, one and inseparable."

(m) "If any one attempts to haul down the American flag, shoot him on the spot."

70. What did George Washington, President of the Constitutional Convention, say that the members of that body kept steadily in view in all their deliberations?



# List of Presidents of the United States.

NO.	PRESIDENT.	STATE.	BORN.	DIED.	TERM OF OFFICE.	BY WHOM ELECTED.
1	George Washington,	Virginia,	1732	1799	Two terms; 1789-1797,	Whole people.
2	John Adams,	Massachusetts,	1735	1826	One term; 1797-1801,	Federalists.
3	Thomas Jefferson,	Virginia,	1743	1826	Two terms; 1801-1809,	Republicans.
4	James Madison,	Virginia,	1751	1836	Two terms; 1809-1817,	Republicans.
5	James Monroe,	Virginia,	1758	1831	Two terms; 1817-1825,	All parties.
6	John Quincy Adams,	Massachusetts,	1767	1848	One term; 1825-1829,	Ho. of Rep's.
7	Andrew Jackson,	Tennessee,	1767	1845	Two terms; 1829-1837,	Democrats.
8	Martin Van Buren,	New York,	1782	1862	One term; 1837-1841,	Democrats.
9	William H. Harrison,	Ohio,	1773	1841	One month; 1841,	Whigs.
10	John Tyler,	Virginia,	1790	1862	3 yrs. and 11 mos.; 1841-1845,	Whigs.
11	James K. Polk,	Tennessee,	1795	1849	One term; 1845-1849,	Democrats.
12	Zachary Taylor,	Louisiana,	1784	1850	1 yr. and 4 mos.; 1849, 1850,	Whigs.
13	Millard Fillmore,	New York,	1800	1874	2 yrs. and 8 mos.; 1850-1853,	Whigs.
14	Franklin Pierce,	N. Hampshire,	1804	1869	One term; 1853-1857,	Democrats.
15	James Buchanan,	Pennsylvania,	1791	1868	One term; 1857-1861,	Democrats.
16	Abraham Lincoln,	Illinois,	1809	1865	1 term and 1 mo.; 1861-1865,	Republicans.
17	Andrew Johnson,	Tennessee,	1808	1875	3 yrs. and 11 mos.; 1865-1869,	Republicans.
18	Ulysses S. Grant,	Illinois,	1822	1885	Two terms; 1869-1877,	Republicans.
19	Rutherford B. Hayes,	Ohio,	1822	1893	One term; 1877-1881,	Republicans.
20	James A. Garfield,	Ohio,	1831	1881	6 months and 15 days; 1881,	Republicans.
21	Chester A. Arthur,	New York,	1830	1896	3 yrs. 5 mos. 15 days; 1881-85,	Republicans.
22	Grover Cleveland,	New York,	1837		First term; 1885-1889,	Democrats.
23	Benjamin Harrison,	Indiana,	1833		One term; 1889-1893,	Republicans.
24	Grover Cleveland,	New York,	1837		Second term; 1893-1897,	Democrats.
25	William McKinley,	Ohio,	1843		1897-	Republicans.

# THE STATES AND THE UNION. THE THIRTEEN ORIGINAL STATES.

	STATES.	Ratified the Constitution.	STATES.	Ratified the Constitution.
1	Delaware,	1787, December 7.	8	South Carolina,
2	Pennsylvania,	1787, December 12.	9	New Hampshire,
3	New Jersey,	1787, December 18.	10	Virginia,
4	Georgia,	1788, January 2.	11	New York,
5	Connecticut,	1788, January 9.	12	North Carolina,
6	Massachusetts,	1788, February 6.	13	Rhode Island,
7	Maryland,	1788, April 28.		

## STATES ADMITTED TO THE UNION.

	STATES.	Admitted.	STATES.	Admitted.
1	Vermont,	1791, March 4.	17	Wisconsin,
2	Kentucky,	1792, June 1.	18	California,
3	Tennessee,	1796, June 1.	19	Minnesota,
4	Ohio,	1802, November 29.	20	Oregon,
5	Louisiana,	1812, April 30.	21	Kansas,
6	Indiana,	1816, December 11.	22	West Virginia,
7	Mississippi,	1817, December 10.	23	Nevada,
8	Illinois,	1818, December 3.	24	Nebraska,
9	Alabama,	1819, December 14.	25	Colorado,
10	Maine,	1820, March 15.	26	North Dakota,
11	Missouri,	1821, August 10.	27	South Dakota,
12	Arkansas,	1836, June 15.	28	Montana,
13	Michigan,	1837, January 26.	29	Washington,
14	Florida,	1845, March 3.	30	Idaho,
15	Texas,	1845, December 29.	31	Wyoming,
16	Iowa,	1846, December 28.	32	Utah,

# THE TERRITORIES.

TERRITORIES.	ORGANIZED.	TERRITORIES.	ORGANIZED.
New Mexico, Arizona, *Indian,	September 9, 1850. February 24, 1863. June 30, 1834.	+District of Columbia, Alaska, Oklahoma,	{ July 16, 1790. March 3, 1791. July 27, 1868. May 2, 1890.

\* The Indian Territory has as yet no Territorial government.

+ The government of the District of Columbia is vested by Act of Congress in three Commissioners, appointed by the President and confirmed by the Senate. One of these Commissioners must be an army officer detailed by the President from the corps of engineers. These Commissioners appoint the subordinate official service of the District.

ORIGINAL DOMAIN, ACQUISITIONS, AND DATES.

Limits of the Original Thirteen States, 1783,	-	-	-	-	-	-	SQ. MILES.
"Louisiana Purchase" of France in 1803, for \$15,000,000,	-	-	-	-	-	-	827,844
Florida, purchased of Spain in 1821, for \$5,000,000,	-	-	-	-	-	-	1,171,931
Texas annexed in 1845. (In 1850 the United States paid Texas \$10,000,000 to give up her claims to lands outside her present limits),	-	-	-	-	-	-	59,208
Mexican cession in 1848 for \$15,000,000,	-	-	-	-	-	-	875,289
"Gadsden Purchase" of Mexico in 1853, for \$10,000,000,	-	-	-	-	-	-	545,783
Alaska, purchased of Russia in 1867, for \$7,200,000,	-	-	-	-	-	-	45,535
							577,390
							<hr/> 3,602,990

# Area and Population of the United States. Census of 1890.

STATES AND TERRITORIES.	Gross Area in Square Miles.	Population.	Capitals.	STATES AND TERRITORIES.	Gross Area in Square Miles.	Population.	Capitals.
Alabama,	52,250	1,513,017	Montgomery.	Nebraska,	77,510	1,058,910	Lincoln.
Alaska T.,	577,390	32,052	Sitka.	Nevada,	110,700	45,761	Carson City.
Arizona T.,	113,020	59,620	Phoenix.	N. Hampshire,	9,305	376,530	Concord.
Arkansas,	53,580	1,128,179	Little Rock.	N. Jersey,	7,815	1,444,933	Trenton.
California,	158,360	1,208,180	Sacramento.	N. Mexico T.,	122,580	153,593	Santa Fé.
Colorado,	103,325	412,198	Denver.	New York,	49,170	5,997,853	Albany.
Connecticut,	4,990	746,258	Hartford.	N. Carolina,	52,250	1,617,947	Raleigh.
Delaware,	2,050	168,493	Dover.	N. Dakota,	70,795	182,719	Bismarck.
Dist. of Col.,	70	230,392	Washington.	Ohio,	41,060	3,672,316	Columbus.
Florida,	58,680	391,422	Tallahassee.	Oklahoma T.,	39,030	61,834	Guthrie.
Georgia,	59,475	1,837,353	Atlanta.	Oregon,	96,030	313,767	Salem.
Idaho,	84,800	84,385	Boisé City.	Pennsylvania,	42,215	5,258,014	Harrisburg.
Illinois,	56,650	3,826,351	Springfield.	Rhode Island,	1,250	345,506	{ Newport and Providence.
Indiana,	36,350	2,192,404	Indianapolis.	S. Carolina,	30,570	1,151,149	Columbia.
Indian T.,	31,400	*325,464	†Tablequah.	S. Dakota,	77,650	328,808	Pierre.
Iowa,	56,025	1,911,896	Des Moines.	Tennessee,	42,050	1,767,518	Nashville.
Kansas,	82,080	1,427,096	Topeka.	Texas,	265,780	2,235,523	Austin.
Kentucky,	40,400	1,858,635	Frankfort.	Utah T.,	84,970	207,905	Salt Lake City.
Louisiana,	48,720	1,118,587	Baton Rouge.	Vermont,	9,565	332,422	Montpelier.
Maine,	33,040	661,086	Augusta.	Virginia,	42,450	1,655,980	Richmond.
Maryland,	12,210	1,042,390	Annapolis.	Washington,	69,180	349,390	Olympia.
Massachusetts,	8,315	2,238,943	Boston.	W. Virginia,	24,780	762,794	Charleston.
Michigan,	58,915	2,093,889	Lansing.	Wisconsin,	56,040	1,686,880	Madison.
Minnesota,	83,365	1,301,826	St. Paul.	Wyoming,	97,890	60,705	Cheyenne.
Mississippi,	46,810	1,289,600	Jefferson.				
Missouri,	69,415	2,679,184	Jefferson City.				
Montana,	146,080	132,159	Helena.	Total,	†3,602,270	62,979,766	

\* Includes Indians on reservations in various States and Territories. † Capital of the Creek Nation.

† Water area not included, 720 square miles.

## REFERENCE BOOKS.

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**"Knowledge is of two kinds: we know a subject ourselves or we know where we can find information upon it."**  
*—Johnson.*

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The following works, many of which have been consulted in the preparation of this volume, are recommended to students for perusal and reference:

- Alton's Among the Law Makers.
- American Statesmen Series.
- Andrews's Manual of the Constitution.
- Bancroft's History of the Formation of the Constitution  
—in Vol. VI. of the latest edition of his History of the United States.
- Bryce's American Commonwealth.
- Champlin's Constitution of the U. S. with brief Comments.
- Clement's Civil Government.
- Cocker's Government of the United States.
- Congressional Directory.
- Congressional Record.
- Curtis's History of the Constitution.
- Dawes's How we are Governed.
- Dole's American Citizen.
- Fiske's American Political Ideas.
- Fiske's Civil Government in the United States.
- Fiske's Critical Period of American History.
- Flanders's Exposition of the Constitution.
- Ford's American Citizen's Manual.
- Frothingham's Rise of the Republic.
- Hinsdale's The American Government.
- Johnston's History of American Politics.

**Lalor's Cyclopædia of Political Science. 3 vols.**

**Macy's Our Government.**

**Maine's Popular Government.**

**Martin's Text-Book on Civil Government.**

**McCleary's Civics.**

**Mead's Constitution of the United States, with Bibliographical and Historical Notes.**

**Morgan's Patriotic Citizenship.**

**Mowry's Studies in Civil Government.**

**Nordhoff's Politics for Young Americans.**

**Old South Leaflet Series.**

**Peterman's Elements of Civil Government.**

**Porter's Outlines of the Constitutional History of the United States.**

**Sheppard's Constitutional Text Book.**

**Story's Commentaries on the Constitution.**

**Story's Familiar Exposition of the Constitution.**

**The Federalist.**

**Thorpe's Government of the People of the United States.**

**Thorpe's Story of the Constitution of the United States.**

**True and Dickinson's Our Republic.**

**Von Holst's Constitutional History of the U. S.**

**Wilson's Congressional Government.**

**Wilson's State and Federal Governments.**

**Wright's Exposition of the Constitution.**

**Young's Government Class Book.**

## MEMORABLE DATES.

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**July 4, 1776.** The Declaration of Independence was adopted.

**September 17, 1787.** The Constitution was adopted by the Constitutional Convention.

**June 21, 1788.** The Constitution was ratified by the ninth State, New Hampshire, and thus its establishment was assured.

**March 4, 1789.** The Constitution went into operation.

**December 15, 1791.** The first ten Amendments were declared in force.

**January 8, 1798.** The Eleventh Amendment was declared in force.

**September 25, 1804.** The Twelfth Amendment was declared in force.

**January 1, 1808.** The foreign slave trade was prohibited after this date by Act of Congress.

**December 18, 1865.** The Thirteenth Amendment was declared in force.

**July 28, 1868.** The Fourteenth Amendment was declared in force.

**March 30, 1870.** The Fifteenth Amendment was declared in force.

# THE FLAG.

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The origin of the design of our flag is not definitely known, but it is believed that the stars and stripes on Washington's coat of arms suggested the propriety of combining the same on the national ensign. On the fourteenth of June, 1777, the American Congress resolved, "That the flag of the thirteen United States be thirteen stripes alternate red and white; that the union be thirteen stars, white in a blue field, representing a new constellation." In 1795, after the admission of two new States, the design was changed to fifteen stripes and fifteen stars. When other States were admitted it was evident that the plan of adding a stripe and a star for each additional State could not be followed. Congress, therefore, in April, 1818, decided that the number of stripes should be reduced to the original thirteen, and that for each new State admitted to the Union, one star should be added to the union of the flag on the fourth of July next succeeding such admission.

Thus the flag is a symbol at once of the origin of the Nation and of its present greatness and glory.













